

and nations which believe in some book and claim for it the status of a Divine Revelation - and which does not stand proved through the certain sources of the Qur'ān and Sunnah - shall not be included under the term of the People of the Book, for example, the disbelievers of Makkah, the Magians or the Zoroastrians, the idol-worshipping Hindus, the Buddhists, Aryans, Sikhs and many others.

This tells us that the Jews and Christians who are believers of the Torah and the Evangile are included within the Qur'ānic terminology of The People of the Book. The Sabians, a third people, cannot be identified precisely. Those who think that they believed in the Psalms of David (Zabūr) are inclined towards including them too among The People of the Book. Those who were convinced that they had nothing to do with the Psalms, take them to be star-worshippers. They group them together with the idolators and Magians. However, the Jews and Christians are the ones who are called The People of the Book by universal agreement. Now, we can return to the gist of the Qur'ānic injunction, that is, the *Dhabīhah* (slaughter) of Jews and Christians is *Halāl* for Muslims and the *Dhabīhah* of Muslims is *Halāl* for them.

As for the need to first determine the basis of calling and understanding the Jews and Christians as the People of the Book, one may ask: Is it bound with the condition that they should genuinely believe in the original Torah and Evangile and act in accordance with these? Or, even those who follow the altered Torah and Evangile and those who ascribe to Sayyidnā 'Isā and Sayyidah Maryam, may Allah bless them both, partnership in the Divinity of God, shall be deemed as included among the People of the Book? The answer is that it is quite evident from the many clarifications of the Qur'ān that for a people to be from 'The People of the Book', it is quite enough that they accept and believe in a Scripture and claim to follow it - irrespective of how much astray they may have gone while following it.

Those to whom the Holy Qur'ān gave the title of The People of the Book were also those about whom it said at several places that these people distort their Scriptures: ﴿صَحِّرُوكُنَ الْكَلِمَ عَنْ مَوَاضِعِهِ﴾ (5:13). It also said that the Jews took Sayyidnā 'Uzayr عليه السلام as the son of God and the Christians did the same to Sayyidnā Masīh عليه السلام: ﴿وَقَالَتِ الْيَهُودُ مَرْيَمُ بْنَتُ اللَّهِ: عَلَيْهِ السَّلَامُ﴾ (9:30). When, despite what they were and what they

did, the Holy Qur'an insisted on calling them The People of the Book, it becomes evident that - unless the Jews and Christians were to abandon Judaism and Christianity totally - they shall continue to be the People of the Book, no matter how involved in false beliefs of their religion and dark doings they may be.

Imām al-Jassās reports in *Aḥkām al-Qur'ān* that during the *Khilāfah* of Sayyidnā 'Umar, may Allah be pleased with him, one of his governors wrote to him for advice. He said that there were some people in his area who recited the Torah and observed the Sabbath like the Jews but they did not believe in *Qiyāmah* (the Last Day). He wanted to know how he was supposed to deal with such people. Sayyidnā 'Umar wrote back telling him that they will be taken as a sect of The People of the Book after all.

Atheist Jews and Christians are not the People of the Book:

These days a very large number of people in Europe (and elsewhere) who are listed in the Census records as Jews and Christians do not really believe in the existence of God and, for that matter, do not subscribe to any institutionalized religion. They do not accept the Torah and Evangile as Scriptures, nor do they have faith in Sayyidnā Mūsā and 'Isā (Moses and Jesus), may peace be upon them, as prophets or messengers of Allah. It is obvious that such people cannot be counted as included under the injunction governing the People of the Book simply because their names are listed as Jews and Christians in the Census records.

When Sayyidnā 'Alī رضي الله عنه said that the slaughter of some Christians of Arabia is not *Halal*, he gave a reason. He said that those people believe in nothing but drinking. His words as reported by Ibn al-Jauzī are being cited below:

روى ابن الجوزى بسنده عن على رضى الله عنه قال لا تأكلوا من ذبائح
نصارى بنى تغلب فانهم لم يتمسكون من النصرانية بشئ الا شربهم الخمر
ورواه الشافعى بسند صحيح عنه (تفسير مظہری ص ۳۴ ج ۳ مائدۃ)

'Do not eat from the animals slaughtered by the Christians belonging to Bani Taghib for they have taken nothing from the Christian faith except the drinking of wine (narrated by Al-Shafi'i with sound authority - al-Tafsir al-Mazhari, p. 34, v. 3, al-Mā'idah)

Sayyidna 'Alī رضي الله عنه prohibited the slaughter of the Christians of Banī Tagħlib because, according to his information, they were libertines, not Christians. However, the majority of *Saḥābah* and *Tabi'īn* found out that these people too were like common Christians and had never rejected their Faith. Therefore, they ruled that the slaughter of these people was also lawful. Al-Qurtubī says in his commentary:

The majority of the Muslim jurists are of the opinion that the Dhabīha of Christians is lawful, whether from Banī Tagħlib or from some other tribe or group. Similarly, the Dhabīha of every Jew is also lawful. (Tafsīr al-Qurtubī)

In short, Christians about whom there is confirmed and certain information that they do not believe in the very existence of God or do not accept Sayyidna Mūsa and ʻIsā عليهما السلام as prophets, will not be included under the injunction governing the People of the Book.

What does the 'food' of the People of the Book mean?

Literally, '*Ta'ām*' means what is eaten which, in the Arabic lexicon, includes all kinds of eatables. But, the majority of the scholars of the Muslim *Ummah* hold that *Ta'ām* at this particular place refers to the meat of the animals slaughtered by the People of the Book because there is no distinction between the People of the Book and other disbelievers in eatables other than meat. Dry eatables like wheat, chick peas, rice and fruit are open commodities and are lawful when received from a disbeliever of any shade. Nobody differs about that. As for food which goes through human handling, the cautious practice is to avoid it since the purity (*Tahārah*) of utensils and hands used by the disbelievers is not reliable. It is better not to use it without the urgency of need. But, this is a situation in which the probability of impurity is the same among idolators and the People of the Book.

To sum up, it can be said that the only possible legal difference in the 'food' of the People of the Book and other disbelievers is in the meat they slaughter. Therefore, in the present verse, it is a consensus of the *Ummah* that the 'food of the People of the Book' means their properly slaughtered animal. In his famous *Tafsīr*, al-Qurtubī writes:

والطعام اسم لما يأكل والذبائح منه وهو هنا خاص بالذبائح عند كثير من
أهل العلم بالتأويل وأما ما حرم من طعامهم فليس بداخل في عموم

(قرطبي ج ٧٧، ٦)

The word, 'Ta'am' is used for whatever is eaten, included within which are slaughtered animals as well - and here it has been used for slaughtered animals particularly. According to the view of the majority of exegetes of the Qur'an, whatever is unlawful from the 'food' of the People of the Book is not included in this generality of address (Qurtubī p. 77, v. 6).

Later, al-Qurtubī gives a detailed comment as follows:

لَا خلاف بين العلماء ان مالا يحتاج الى ذبح كالطعام الذى لامحاولة فيه كالفاكهه والبر. جائزنا كله اذ لا يضر فيه قملك احد والطعام الذى تقع فيه المحاولة على ضربين احدهما ما فيه محاولة صنعة لا تتعلق لها بالدين كخبزة الدقيق وعصره الزيت ونحوه . فهذا ان تجنب من الذمى فعلى وجه التقدير . والضرب الثاني التذكرة التي ذكرنا انها هي اللتي تحتاج الى الدین والنیة. فلما كان القياس ان لا تجوز ذبائحهم كما نقول انهم لاصلة لهم ولا عبادة مقبولة له رخص الله تعالى في ذبائحهم على هذه الأمة وآخرها النص عن القياس على ما ذكرنا من قول ابن عباس . (قرطبي سورة

مائدة ص ٧٧، ج ٦)

There is no difference of view among scholars that it is lawful to eat what requires no slaughter such as fruit and wheat for its being owned (by a non-Muslim) does not bring any damage to the eatable. However, 'food' which requires effort has two kinds: First of these is the one in which one makes or produces something which has nothing to do with religion, such as, making bread from dough or pressing oil from olives - in this case, if a Muslim were to abstain from the outcome of the effort of a disbelieving citizen of an Islamic state (*Dhimmi*), that would be an abstention simply based on temperamental distaste. The second kind needs the purifying process of slaughtering an animal properly which, in turn, requires Faith and Intention. In that case, the normal assumption would have required that the act of slaughter performed by a disbeliever should have not been acceptable very much like his acts of worship and prayer. But, Allah Almighty made their slaughtered animals specially lawful for the Muslim Community. This situation has been excepted by the express provision of

the Holy Qur'ān from the general rule, as mentioned by Ibn 'Abbas رضي الله عنه (Qurtubī - Surah al-Mā'idah, p. 77, v. 6)

The gist is that the 'food' of the People of the Book as it appears in this verse means - with the agreement of scholars of *Tafsīr* - food the lawfulness of which depends upon religion and belief: that is, the *Dhabīhah* (the slaughter). Therefore, special treatment was meted out to the People of the Book in the case of this form of 'food' - because they too claim to believe in Books and Prophets sent by Allah, though their textual alterations invalidated their claim with the result that they got involved in disbelief and in ascribing partners to Allah. This was contrary to the position of disbelieving idolators who did not even claim to believe in any Scripture or Prophet or Messenger and the books or persons they believe in are neither books sent by Allah nor prophets or messengers as proved by any Word of Allah.

The Wisdom behind the Lawfulness of the slaughter of the People of the Book

The third question about the present verse is why the slaughter of the Jews and the Christians, as well as marrying their women, is made lawful for the Muslims, while all other non-Muslims have no such privilege. According to most of the *Sahābah*, *Tabi'īn* and other exegetes of the Holy Qur'ān, the answer to this question is very simple. Although the Jews and Christians had distorted their original religion by making many alterations therein, yet their faith regarding these two aspects matched with the Islamic injunctions. That is, they consider it necessary to invoke the name of Allah on their slaughter as an article of faith and take an animal to be impure and unlawful as carriage without that due process.

Similar is the case in marriage - the list of the women of prohibited degree (marriage with whom is not lawful) is the same in their religion as in Islam. Also, the way it is necessary in Islam that marriage be pronounced openly, and in the presence of two witnesses, so it is with them - even in their present religion, the same injunctions continue.

The great commentator, Ibn Kathīr has reported this very position taken by most *Sahābah* and *Tabi'īn*. His words are as follows:

(وطعام اهل الكتاب) قال ابن عباس وابو امامه ومجاحد وسعيد بن جبير

وعكرمه وعطاء والحسن ومكحول وابرهيم النخعى وألسدى ومقاتل بن حيان يعني ذبائحهم حلال للمسلمين لأنهم يعتقدون تحريم الذبح لغير الله ولا يذكرون على ذبائحهم الا اسم الله وان اعتقاده فيه تعالى ما هو منه عنه تعالى وتقدس . (ابن كثير مائدة ص ١٩ ج ٣)

Ibn 'Abbas, Abū Umāmah, Mujaḥid, Sa'īd ibn Jubayr, 'Ikrimah, 'Atā', Ḥasan, Makhḍūl, Ibrāhīm al-Nakh'i, Sudū and Muqātil ibn Ḥayyān have explained 'the food of the People of the Book' as their 'Dhabā'iḥ' (properly slaughtered animals). These are lawful for Muslims because they consider slaughtering animals for anyone other than Allah as unlawful and do not invoke any name other than that of Allah on animals they slaughter - even if they believe in things about Almighty Allah from which the great Creator is free and far above (Ibn Kathīr, Surah al-Mā'idah, p. 19, v. 3).

This statement of Ibn Kathīr tells us two things: One, that all Companions and their Successors mentioned above take the 'food of the People of the Book' to mean their properly slaughtered animals (*Dhabā'iḥ*) and that there is a consensus of the *Ummah* that they are lawful. And the second point made clear here is that the reason why the *Dhabā'iḥ* of the People of the Book are lawful in the view of these revered authorities is that the issue of *Dhabīḥah* with the Jews and Christians still stays valid in accordance with the Shari'ah of Islam despite the many alterations in their religion - as they too take an animal slaughtered in the name of someone other than Allah as unlawful and that they deem it necessary to invoke the name of Allah upon the animal being slaughtered. However, it is a different matter that they fell into the polytheistic belief in Trinity whereby they started equating Allah and Masiḥ son of Maryam as one and the same. The Holy Qur'an alludes to this in the following words:

لَقَدْ كَفَرَ الَّذِينَ قَالُوا إِنَّ اللَّهَ هُوَ الْمَسِيحُ ابْنُ مَرْيَمٍ

Certainly, gone infidel are those who say, "God is the Masiḥ son of Maryam (Jesus son of Mary).

The outcome is that all verses of the Qur'an concerning *Dhabīḥah* - which appear in Surah al-Baqarah and Surah al-An'am, and in which the animal slaughtered in a name other than that of Allah, as well as

the animal upon which the name of Allah was not invoked - declare both being equally unlawful. All these verses have permanent legal effect and must be acted upon for all times to come. The verse of Sūrah al-Mā'idah which declares the food of the People of the Book as lawful is also no different from the injunctions appearing in these verses because the very reason of making the food of the People of the Book lawful is no other than that their present religion also maintains that an animal slaughtered by invoking the name of someone other than Allah upon it, and the animal upon which the name of Allah was not invoked, are both unlawful. Even today, the current copies of the Torah and the Evangile do have injunctions of slaughter and marriage almost similar to those of the Qur'ān and Islam, details of which will appear a little later.

However, the possibility is there that some ignorant people act in a manner which goes against this injunction of their own religion - very similar to many ignorance-based customs which have found currency among uninformed sections of Muslim masses as well: but, these cannot be called the religion of Islam. Noticing this behaviour of the ignorant masses among the Christians of that time, the revered Tabi'in (the successors to the Companions) took the position that Allah, when He made the food of the People of the Book lawful, already knew what they did with their slaughtering of animals. Some would invoke the name of Masiḥ or 'Uzayr upon it while others would invoke no name at all. So, we see that the verse of Sūrah al-Mā'idah, which declares the 'food' of the People of the Book as lawful, acts as a particularizer or a sort of abrogator of the verses of the Sūrahs al-Baqarah and al-An'ām on the subject of the slaughter of animals, verses in which the slaughtering of animals in a name other than that of Allah or slaughtering them without invoking the name of Allah has been declared unlawful.

According to the view of great 'Ulama', the respected Tabi'in, who declared that an un-named slaughter of an animal, or of one upon whom a name other than that of Allah was invoked were lawful, also knew that the original religion of the People of the Book was not different from what Islam enjoined and it was only the ignorant section of their masses which made such errors. Despite this, these revered elders did not exclude the ignorant masses of the People of the Book

from the general rule governing the People of the Book. They upheld, in matters relating to the slaughter of animals and to marriage, the same injunction which governed their forefathers and the followers of the original religion, that is, the slaughter of animals by them and the marriage with their women was permissible.

In *Aḥkām al-Qur'ān*, Ibn al-'Arabī says that he asked his teacher, Abū al-Fath al-Maqdīsī about the Christians of his time who slaughtered an animal invoking a name other than that of Allah upon it - for example, they invoked the name of Masiḥ or 'Uzayr at the time of slaughter - how could their *Dhabīhah* become lawful, he wondered. The reply given by Al-Maqdīsī was:

هم من أبائهم وقد جعلهم الله تعالى تبعاً لمن كان قبلهم مع علمه بحالهم

(أحكام ابن العربي ص ٢٢٩، جلد اول)

The injunction that governs them is like that of their forefathers. This condition (of the People of the Book) was already within the knowledge of Almighty Allah, but, He has made them subordinate to their forefathers. (*Aḥkām*, Ibn al-'Arabi, p. 229, v. 1)

In recapitulation, it can be said that in the sight of the learned elders of the Muslim Community who have permitted the consumption of animals slaughtered by the People of the Book - those upon which the name of Allah was not invoked, rather, invoked thereupon was a name other than that of Allah - it was clear that these things are an integral part of the real faith of the People of the Book and are equally unlawful there. But, these learned elders allowed the erring masses also to be governed by the injunction which applies to the original People of the Book. It was for this reason that they allowed the animals slaughtered by the People of the Book to be taken as lawful. On the other side, the majority of the Ṣahābah, Tabi'in and *Mujtahid* Imāms noticed that the animals slaughtered by the misled masses among the People of the Book, whether in a name other than that of Allah or without the name of Allah, were after all against the Islamic injunction but, in addition to that, the practice was against the current faith of the Christians themselves. Therefore, what they do should not affect the standing injunctions. So, they gave the verdict that the animals slaughtered by such people are not included under 'the food of the People of the

Book' and, as such, there is no reason to support its lawfulness. Also, the act of going by the saying that their own wrong doing had caused particularization or abrogation in the verses of the Qur'an is not correct in any manner whatsoever.

Therefore, all leading authorities in *Tafsīr* - Ibn Jarīr, Ibn Kathīr, Abū Ḥayyān and others - are unanimous in holding that there was no abrogation (*Naskh*) in the verses of Surah al-Baqarah and Surah al-An'am. This is also the favoured position of the majority of Ṣahābah and Tabi'in as cited earlier with reference to Ibn Kathīr and as mentioned in *Tafsīr al-Bahr al-Muhiṭ* in the following words:

وذهب الى ان الكتابي اذا لم يذكر الله على الذبيحة وذكر غير الله لم
توكّل عليه قال ابو الدرداء وعبادة بن الصامت وجماعة من الصحابة وله
قال ابو حنيفة وابو يوسف ومحمد وزفر ومالك وكره النخعى والشورى اكل
ماذبج واهل به لغير الله (البحر المحيط ص ٤٣١ ج ٤)

And they believe: If a *Kitābī* (of the People of the Book) were to omit the name of Allah while slaughtering an animal, or were to invoke upon it a name other than that of Allah, it is not permissible to eat it. And this is the saying of Abū ad-Dardā', 'Ubādah ibn Sāmit and a group of the Ṣahābah. And this is also the belief of Abū Ḥanīfah, Abū Yūsuf, Muḥammad, Zafar and Mālik. However, An-Nakh'ī and Ath-Thawrī rule the eating of it as *Makrūh* (reprehensible). (*Al-Bahr al-Muhiṭ*, p. 431, v.5)

The drive of comments made this far is to establish that the Ṣahābah, the Tabi'in and the pious elders of the *Ummah* had no difference of opinion among them about the understanding that during the period of the revelation of the Qur'an the original faith of the People of the Book also ruled that an animal, upon which a name other than that of Allah was invoked, or was omitted deliberately, was unlawful. The same was the case with the lawfulness and unlawfulness of marriage - the original code of the People of the Book right upto the present times is in accord with the Shari'ah of Islam in most elements.

Whatever was found to be contrary with the People of the Book was simply a matter of errors made by their uninformed masses. This is not their faith.

Existing copies of the Torah and Evangile available world-wide in

many languages also confirm this view. Please refer to the Old Testament which is equally acceptable to contemporary Jews and Christians. Given below are injunctions about slaughtered animals:

1. "And the fat of the beast that dieth of itself, and the fat of that which is torn with beasts, may be used in any other use: but ye shall in no wise eat of it." (Leviticus 7:24)
2. "Notwithstanding thou mayest kill and eat flesh in all thy gates, whatsoever thy soul lusteth after, according to the blessing of the LORD thy God which He hath given thee: the unclean and the clean may eat thereof, as of the roebuck, and as of the hart." (Deuteronomy 12:15)
3. "That ye abstain from meats offered to idols, and from blood, and from things strangled, and from fornication." (Acts 15:29)
4. "But I say, that the things which the Gentiles sacrifice, they sacrifice to devils, and not to God: and I would not that ye should have fellowship with devils. Ye cannot drink the cup of the Lord, and the cup of devils." (I Corinthians 10:20, 21)
5. "We have written and concluded that they observe no such thing, save only that they keep themselves from things offered to idols, and from blood, and from strangled, and from fornication." (Acts 21:25)

These statements of the Torah and Evangile are from what is widely circulated by contemporary Bible Societies in which, despite hundreds of alterations and revisions, these things have lingered on and are almost similar to the injunctions of the Holy Qur'an. For instance, Verse 3 of Surah al-Mā'idah says:

مُحَرَّمٌ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أَهْلَكَ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنَقَةُ
وَالْمُوْقُوذَةُ وَالْمُنْزَدِيَّةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا مَا ذَكَرْ كَيْتُمْ وَمَا ذُبَحَ عَلَى
النُّصُبِ (اللائدة ۳)

Prohibited for you are: the carrion, the blood, the flesh of swine, and what has been invoked upon with (a name) other than that of Allah, and the animals dead by strangulation, dead by blow, dead by a fall, dead by goring, and that which a beast has eaten - unless you have properly slaughtered it - and that which has been slaughtered before the idols ...

This verse has declared that the carrion, the blood, the flesh of swine, and what has been invoked upon with (a name) other than that of Allah, and animals dead by strangulation, dead by blow, dead by a fall, dead by goring, and that which has been torn by a beast are all unlawful. In the statements of the Torah and Evangile cited above, all these have also been ruled as unlawful, except the 'flesh of the swine.' Though, the details of the animals dead by blow or dead by a fall or dead by goring have not been specifically mentioned there, but they (almost all) are included under the injunction for those naturally dead (carrion) or dead by strangulation.

Similarly, the Holy Qur'an has stressed upon the invoking of the name of Allah when slaughtering an animal: فَكُلُوا مَا يَعْلَمُ ذِكْرُ اسْمِ اللَّهِ عَلَيْهِ (Eat out of what the name of Allah has been recited upon - 5:4) and it has prohibited an animal upon which the name of Allah has not been recited: وَلَا تَكُلُوا مَا لَمْ يُذْكُرْ اسْمُ اللَّهِ عَلَيْهِ (Do not eat out of what the name of Allah has not been recited upon - 6:121). The quotation No. 2 from the Bible places a similar stress on slaughtering an animal by invoking the name of Allah.

So it is with most matters relating to marriage as well where the faith of the People of the Book corresponds to the Shari'ah of Islam. Please see Leviticus (6-19) which gives a long list of prohibitions most of them being what the Holy Qur'an has declared to be unlawful. So much so that it clearly states the unlawfulness of combining two sisters جمع بين الاخرين in the bond of marriage at the same time and the unlawfulness of intercourse during menstruation as well. In addition to that, the Bible also says that marriage with idolators and disbelievers is not permissible. The words of the present Torah are:

"Neither shalt thou make marriages with them; thy daughter thou shalt not give unto his son, nor his daughter shalt thou take unto thy son." (Deuteronomy 7:3)

The Rationale of the Lawfulness of Animals Slaughtered by Jews and Christians: A Gist

The only reason why the animals slaughtered by the People of the Book and marriage with their women has been made lawful and the animals slaughtered by other disbelievers and marriage with their women has been made unlawful by the Qur'an is that in both these

cases the true and original faith of the People of the Book is in accord with the Law of Islam even today. Anything contrary to that found among their masses is no more than an ignorant practice - it has nothing to do with their original religion. Therefore, the majority of the Ṣaḥābah, the Ṭabi'īn and the *Mujtahid Imāms* maintain that there is no contradiction, or abrogation, or particularization in all the verses of Surah al-Baqarah and Surah al-An'am. No doubt, some scholars of Ṭabi'īn have taken this ignorant practice to be under the rules governing the People of the Book (holding that their slaughter, even against the injunctions of their original religion, is permissible), and have taken the view that verses of Surah Al-An'am and Surah Al-Baqarah are abrogated or qualified by the present verse. But this view of theirs is based on the saying of the Christians: إِنَّ اللَّهَ هُوَ الْمَسِيحُ ابْنُ مَرْيَمٍ (Allah is Jesus son of Mary - 5:72). It means that even if they were to say the name of Allah, they would invariably be alluding to Jesus the son of Mary. Therefore, when they slaughter an animal, the saying of the name of Allah and saying the name of Jesus upon it becomes equal. This was the ground on which the revered group of Ṭabi'īn had permitted the use of animals slaughtered by the People of the Book. Ibn al-'Arabī has elaborated this aspect of the subject in his *Aḥkām al-Qur'an* (Ibn al-'Arabī, *Aḥkām*, p. 229, v. 1).

The Most Sound and Preferred View

But the stand taken on this question did not find acceptance with the learned majority of the Muslim *Ummah* as mentioned earlier with citation from Ibn Kathīr and *Tafsīr al-Bahr al-Muhiṭ* while *Tafsīr Mazhāri*, after reporting various positions on the subject, concludes as follows:

والصحيح المختار عندنا هو القول الاول. يعني ذبائح اهل الكتاب تاركا للتسميه عامداً او على غير اسم الله تعالى لا يوكل ان علم ذلك يقيناً او كان غالباً حالهم ذلك وهو محمل النهي عن اكل ذبائح نصارى العرب ومحمل قول على رضي الله عنه لا تأكلوا من ذبائح نصارىبني تغلب فانهم لم يتمسكوا من النصرانية بشئ الا يذبحون الخمر. فلعل عليا علم من حالهم انهم لا يسمون الله عند الذبح او يذبحون على غير اسم الله ، هكذا حكم نصارى العجم ان كان عادتهم الذبح على غير اسم الله تعالى غالباً لا يوكل ذبيحتهم ولاشك ان النصارى في هذا الزمان لا يذبحون بل

بِالْوَقْدِ خَالِبًا فَلَا يَحْلُّ طَعَامُهُمْ . (تَنْسِيرُ مَظْهَرِي ص ٣٩ ج ٢)

And the most sound and preferred view with us is the very first one, that is, the animals slaughtered by the People of the Book on which the recitation of the name of Allah has been left out intentionally, or they have been slaughtered in a name other than that of Allah, are not lawful - if it becomes certain that the name of Allah was not recited upon them, or a name other than that of Allah was taken, or this becomes the common habit of the People of the Book. And elders who have prohibited the eating of animals slaughtered by the Christians of Arabia had this very objective behind their saying. Similarly, when Sayyidnā 'Alī said that eating from the animals slaughtered by the Christians of Bani Tagħlib was not permissible because they took nothing from the religion of Christianity but the drinking of wine, the justification of his saying so lies in the likelihood of his having the proof that people from the tribe of Bani Tagħlib do not invoke the name of Allah upon animals they slaughter, or else, they invoke a name other than that of Allah. The same injunction holds good for Christians belonging to areas outside the Arabian Peninsula, that is, if it becomes a matter of habit with them that they would slaughter an animal in a name other than that of Allah, then, it is not permissible to eat from what they slaughter. As for the contemporary Christians, they just do not 'slaughter' to begin with - instead, they generally kill the animal by stunning or shocking it. Therefore, their Dhabīḥah is not lawful. (Tafsīr Mazħarī, p.37, v. 3)

Mufti 'Abduh of Egypt and His Error of Judgement

Details of this debated issue have been reported here at some length because, at this point, the well-known 'Ālim of Egypt, Mufti 'Abduh has made a grave error of judgement about which there is no doubt that it is wrong and squarely against the Qur'ān and Sunnah and the consensus of the Muslim *Ummah*. In his *Tafsīr Al-Manār*, the learned author has made a twofold mistake at this juncture.

First, he has inflated the sense of the People of the Book to the limit that it has come to include the disbelievers, the Magians, the Hindus, the Sikhs and others, within it, making it so general that the very differentiation between disbelievers, the People of the Book and those

other than the People of the Book which spreads out all over the Holy Qur'ān turns out, God forbid, to be without meaning and substance.

The second error, still greater, was that he expanded the sense of 'the Food of the People of the Book' to accomodate every 'food' of the People of the Book, and which he ruled as lawful without any condition - whether they slaughter the animal, or not; and whether they invoke the name of Allah upon it, or not. Taking the circumstances and methods of their eating an animal as the criterion, he made it all *Halāl* (lawful) for the Muslims.

When this *Fatwā* of his was published in Egypt, the religious scholars of Egypt itself, and those all around the whole world, lost no time in rejecting it as erroneous. Articles and treatises were written. Public demands were universally made that Mufti 'Abduh should be removed from his Office of *Iftā*. On the other side, the disciples of the learned Muftī along with some Westophiles joined in with counter debates because this *Fatwā* was a panacea of their problems. It opened a floodgate through which Westernized people could feel comfortable with eating every 'food' which came from the Jews and Christians of Europe, even from the atheists, as *Halāl* for them.

It is a great miracle of Islam that the hearts of Muslims at large are never satisfied with an act against the Shari'ah, no matter how great was the 'Ālim or religious scholar who committed it. This happened here too. Muslims all over the world took a stand against this error. The issue, however, did subside at that time. But, the players of the issue still exist as modern deviators or secularists who would love to prepare a new edition of Islam in which every European-oriented absurdity could be accomodated. Claiming to address the material desires of the younger generation, they have revived the same debate in the name of modernity and recension with the airs of personal research. Unfortunately, they are repeating Mufti 'Abduh. It was for this reason that this debate was taken up in some details. *Alhamdulillah*, what was necessary has been said here. Full details, if needed, may be seen in my treatise, '*Islāmī Dhabiḥah*'.

The lawfulness of the 'food' of the Muslims for the People of the Book: What does it mean?

There is another issue here which needs to be resolved. The Qur'ān

says that the 'food' of the People of the Book is lawful for Muslims. This is obvious. But, there is the other part of the injunction, that is, the 'food' of the Muslims is lawful for the People of the Book - what does that mean? The People of the Book who just do not believe in what the Qur'an says would hardly care for what is lawful, or unlawful. What, then, is the use of saying it?

In *Tafsīr Al-Bahr al-Muhiṭ* and elsewhere, it has been pointed out that this injunction too is intended for Muslims themselves whereby they are being told that the animals slaughtered by them are lawful for the People of the Book. Therefore, if they were to feed a non-Muslim from the People of the Book out of an animal slaughtered by them, it would be no act of sin. In other words, they can give to a *Kitābī* (one of the People of the Book) a part of the animal they have sacrificed. Had their *Dhabīha* been unlawful for the People of the Book, it would have not been permissible for Muslims to have them eat it. Thus, this injunction which apparently seems to relate to the People of the Book is, in reality, addressed to Muslims themselves.

Yet another basis for such intent appears in *Rūh al-Ma'ānī* on the authority of al-Suddī. It says that some animals, or some parts thereof, were made unlawful in the religion of Jews and Christians belonging to the People of the Book, as punishment. Therefore, that animal, or its parts, are obviously not included in the 'food' of the People of the Book. But, this sentence of the verse makes it quite clear that an animal lawful for Muslims - though not accepted as lawful by the People of the Book - shall remain lawful for Muslims, if it comes to them after having been slaughtered by the People of the Book. A hint towards it has been made in the words: ﴿وَطَهَّرْتُ لَكُمْ جَلَّ جَلَّ﴾ (and your food has been made lawful for them) appearing in the verse. So, looking at the meaning from this angle as well, the connection of the sentence with Muslims becomes clear once again.

At this point, the author of *Tafsīr al-Mazhārī* adds that the sentence has actually spelled out the difference that exists between two matters of importance - that of animals slaughtered and marriages made. There is a difference here. Animals slaughtered are lawful both ways - the *Dhabīhah* of the People of the Book for Muslims and the *Dhabīhah* of Muslims for the People of the Book. But, the matter

of the marriage of women does not work in that manner for the women from the People of the Book are lawful for Muslims while Muslim women are not lawful for the People of the Book.

Dhabīhah of Apostates

The third problem relates to a Muslim who, God forbid, becomes a Jew or Christian. He will not be included under the definition of the People of the Book - instead, he is a *Murtadd* or apostate. An animal slaughtered by him is unlawful in accordance with the consensus of the Muslim *Ummah*. Similarly, a Muslim who has become a *Murtadd* because of rejecting any of the essentials and absolute beliefs of Islam - even though, he claims to believe in the Qur'an and the *Rasūl* of Allah ﷺ - will also be a *Murtadd*. An animal slaughtered by him will not be lawful. Simply reading the Qur'an or claiming to be acting in accordance with it will not entitle him to be counted as one of the People of the Book. However, if someone from another religion or community were to abandon his religion or community and become a Jew or Christian, he or she would be included under the category of the People of the Book - and an animal slaughtered by him or her would be considered lawful.

Marriage : Major Points of Guidance for Muslims

The third sentence of this verse reads as follows:

وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أَوْتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا
أَتَيْتُمُوهُنَّ أُجُورَهُنَّ مُحْصَنَاتٍ عَيْرَ مُسْفِحَاتٍ وَلَا مُتَخَرِّبَاتٍ أَخْدَانٍ

... and [it is lawful for you to marry] good women from among believers, and [also] good women from among those given the Books before you, provided you give them their dowers, binding yourself in marriage, not going for lust, nor having paramours."

Here, the word "*al-Muhsanat*" appears at both places (translated as 'good women') which, according to the Arabic usage, could have two meanings: One, free women as opposed to bondwomen; two, chaste women. Lexically, both meanings can be taken at this place.

Therefore, out of the exegetes, Mujahid has taken the sense of free women while explaining "*al-Muhsanat*" which would mean that free women from among the People of the Book are lawful for Muslims -

bondwomen are not. (Mazhari)

But, in the sight of the majority of the learned *Sahabah* and *Tabi'īn*, "*al-Muhsanat*" at this place means chaste women and the verse means that the way marriage with chaste Muslim women is lawful, so too is the marriage with chaste women from among the People of the Book. (*Aḥkām al-Qur'an*, *Jassas* & Mazhari)

However, there is a consensus of the majority of authentic scholars that the restriction of 'chaste women' here does not mean that the very marriage with non-chaste women is unlawful. In fact, this restriction serves a purpose. It provides motivation to take a better and more appropriate course in marriage (Mazhari & others). One can marry a Muslim woman or a woman from among the People of the Book, both are lawful; but one should never lose sight of the approach that marriage when entered into should be with a chaste woman. Joining up with sinning women in the bond of marriage is not what a good Muslim would elect to do. The truth is that marrying a vice-prone and unreliable woman amounts to ruining one's life in this world and in the Hereafter both. This should be avoided.¹ So, the restriction of 'the People of the Book' in this verse proves that marrying women from among non-Muslims, who are not included under the definition of 'the People of the Book,' is not lawful, and on this there is a consensus of the Muslim *Ummah*.

Marriage with other Non-Muslim Women

As said earlier, out of all groups of non-Muslims in this period of time, the Jews and the Christians are the only two religious communities which can be counted as 'The People of the Book.' None of the rest belonging to present religions are included within 'The People of the Book.' This general rule applies to fire-worshipping Magians, idol-worshipping Hindus, or Sikhs or Aryans or Buddhists and to others similar to them. This is so because the term, The People of the Book, refers only to those who profess to believe in a Book, the veracity of which as Heavenly Scripture and Divine Revelation stands proved on the basis of definite texts of the Qur'an and Sunnah. Obviously, these

1. However, if an unchaste woman repents from her life truly, she will be included in 'good women' and marrying her is not only permissible, but also a commendable act (Editor).

are no others but the Torah and Evangile, the followers of which still exist in this world and in this time. As for the Zabūr (The Book of Psalms) and the *Suhūf* (Scriptures; plural of *Sahīfah*) of Sayyidnā Ibrāhīm عليه السلام, they are neither preserved nor have people who claim to follow them. In so far as 'sacred books' of other religions like the Vedas, the Granth, the Book of Zartusht and similar others are concerned, the proof of their being some Scripture or Revelation on valid religious grounds does not exist. The probability that the teaching of Buddha or the books mentioned above could be transformed corollaries of Zabūr or the *Suhūf* of Sayyidnā Ibrāhīm عليه السلام are no more than abstract assumptions not based on solid proof. Thus, with the full consensus of the Muslim *Ummah*, it stands established that, out of different faiths present in this age, the women from among the Jews and Christians are the only ones Muslims can marry lawfully. Marriage with a woman from any group or faith other than the two - unless she becomes a Muslim - is unlawful.

The verse of the Holy Qur'an: ﴿وَلَا تنكحُوا الْمُشْرِكَاتِ حَتَّىٰ يُؤْمِنَ﴾ (2:221) is there to confirm this implication. It means: 'And do not marry the *Mushrik* women unless they come to believe' - and all nations and peoples other than The People of The Book are included under the identity of "*al-Mushrikat*" (disbelieving women).

So, here we have two verses of the Qur'an which bring this subject in a clear focus. One of them, cited immediately above, says that marriage with disbelieving women is not lawful unless they become believing Muslims. The second verse is from Surah al-Mā'idah, the one we are talking about right now. This tells us that marriage with women from among the People of the Book is lawful.

Therefore, the learned among the *Šahābah* and the *Tābi'iin* determined the unambiguous sense of the two verses by saying that the marriage of a non-Muslim woman with a Muslim man should just not take place as a matter of principle. But, this verse of Surah al-Mā'idah has exempted the women of The People of the Book from this generality. As such, the marriage of a Muslim with a woman from any community other than that of the Jews and Christians will not be valid unless she becomes a Muslim.

The Problem in Marrying Jewish and Christian Women

As for marrying Jewish and Christian women, that is, women from among the People of the Book, even this is not permissible in the sight of some noble Companions of the Holy Prophet ﷺ.

This happens to be the understanding of Sayyidnā ‘Abdullāh ibn ‘Umar رضي الله عنه. When someone asked him about it, he would say: What Allah Almighty says in the Holy Qurān is clear: 'Do not marry disbelieving women until they become Muslims' - and I am not aware of a greater *Shirk* (associating others in the Divinity of Allah) than that of a person who openly declares Jesus son of Mary or some other created servant of Allah as her *Rabb*, Lord or God. (Ahkām al-Qurān, Jaṣṣāṣ)

There was an occasion when Maimūn ibn Mihrān asked Sayyidnā ‘Abdullāh ibn ‘Umar رضي الله عنه: 'We live in a country with a larger population of The People of the Book. Can we marry their women and eat from the animals they slaughter?' In his reply, Sayyidnā ‘Abdullāh ibn ‘Umar رضي الله عنه simply recited these two verses, firstly the one which prohibits marriage with disbelieving women, and then, this very verse of Surah al-Mā'idah which declares the lawfulness of marriage with women from The People of the Book.

Maimūn ibn Mihrān said: 'I too read these two verses in the Qurān and I know them. But, my question is: In view of these two, what religious ruling do I follow? In reply to this question, Sayyidnā ‘Abdullāh ibn ‘Umar رضي الله عنه, once again recited these very two verses before him, and said nothing on his own. This has been interpreted by the ‘Ulamā of the *Ummah* that Sayyidnā ‘Abdullāh ibn ‘Umar was not at peace with himself even in this matter of marriage being lawful with women from among the People of the Book.

Though, in the view of the majority of the Ṣahābah and the Ṭābi‘īn, marriage with women from among the People of the Book is lawful in itself as in the Qurān, but marrying them is not free of the many consequential disorders for one's own person, his children, rather for the whole Muslim Community, which would necessarily emerge as borne by experience. This was the basis on which they too considered marriage with women from among the People of the Book as *Makrūh* (reprehensible).

Following a narration from Shaqīq ibn Salmah, al-Jassās reports in *Aḥkām al-Qur'ān*: When Sayyidnā Hudhayfah ibn Yāmān رضي الله عنه came to Mada'in, he married a Jewish woman there. When Sayyidnā 'Umar رضي الله عنه found out about it, he wrote a letter to him asking him to divorce the woman. Sayyidnā Hudhayfah رضي الله عنه wrote back: 'Is she unlawful for me?' Then, in reply, Sayyidnā 'Umar رضي الله عنه wrote: 'I am not saying that she is unlawful, but women from these people do not generally have chastity, therefore, I apprehend lest immodesty finds entry into your homes through this channel.' And Imām Muḥammad ibn Ḥasan رحمة الله عليه has, in *Kitāb al-Āثār*, reported this event from Imām Abu Ḥanifah. He says when Sayyidnā 'Umar رضي الله عنه wrote another letter to Sayyidnā Hudhayfah رضي الله عنه his words were:

اعزم عليك ان لا تضع كتابي حتى تخلى سبيلها فاني اخاف ان يقتديك
ال المسلمين فيختاروا النساء اهل الذمة بجمالهن وكفى بذلك فتنة لنساء
ال المسلمين . (كتاب الآثار ص ١٥٦)

I hereby put you on oath that you would, before you put down this letter from your hands, divorce and release her, because I fear other Muslims start following you and begin choosing women from among the People of the Book because of their beauty, (bypassing Muslim women in the process). What greater trial could there be for Muslim women? (*Kitāb al-Āthār*, p. 156)

After reporting this event, Muḥammad ibn Ḥasan رحمة الله عليه has said that this is the view the Ḥanafī jurists take when they do not actually rule such marriage as unlawful but, because of other disorders and drawbacks, do take it to be *Makrūh* (reprehensible). And 'Allamāh Ibnu Humām has reported in *Fatḥ al-Qadīr* that an event similar to that of Sayyidnā Hudhayfah also came to pass with Talhah and Ka'b ibn Mālik - they married women from The People of the Book on the basis of the verse in Surah al-Mā'idah. When Sayyidnā 'Umar رضي الله عنه heard about it, he became very angry and ordered them to divorce these women (*Mazhari*).

As for the age and time of Sayyidnā 'Umar al-Faruq, the great *Khalīfah* of Islam, may Allah be pleased with him, it was the best of ages. At that time, any probability, that a Jewish or Christian woman would succeed in hatching some conspiracy against Islam and Muslims by

entering into the life of a Muslim as his wife, was simply unimaginable. The only danger that lurked before them during those days was to the moral insulation of their families and homes which could be adversely affected by taking in women of doubtful integrity as wives, or that people start preferring them because of their beauty as a result of which Muslim women would be thrown in deep trouble. But, here is the Farūqian farsightedness which keeps track of dangling disharmonies in Muslim lives and compels people of such stature to divorce the women they had taken as wives. Had they been anywhere closer to the current scenario, just imagine the kind and extent of his reaction! The problem with these people is that of dubious identity. Such people would not mind if their names are registered in the census records as Jewish or Christian, but there are many among them who take Judaism or Christianity to be a nuisance in their personal view of things and ideas. They do not believe in the Torah or the Evangile, nor do they attest to the prophethood of Moses and Jesus, may peace be upon them. In matters of belief, they are totally secular, even atheistic. That they let themselves be called Jews and Christians is no more than some communal, societal or formal convenience.

It is obvious that women from people of such background are not lawful for a Muslim under any circumstances. And even if they happen to adhere to their religion, still, accomodating them in the midst of a Muslim family amounts to bringing material and spiritual ruination on it. The conspiracies mounted against Islam and Muslims through this inroad during the later period, and which are not uncommon even today, have a tragic lesson of their own. A woman succeeding as a terminator of Muslim national power is no fiction. Such eventuality is within the realm of possibility. How can any sensible person go, irrespective of the considerations of the lawful and unlawful, even close to taking such a step?

Conclusion

According to the Qur'ān and Sunnah, and the conduct of the noble *Sahābah* of the Holy Prophet ﷺ, it is incumbent upon Muslims that they should totally abstain from marrying contemporary *Kitābi* (Jewish and Christian) women. Towards the end of the verse, instructions have also been given that should anyone has to have a

woman from among the People of the Book, then, this should be done by entering into a proper marriage contract, by keeping the woman as wife and by paying dower and fulfilling other rights. Keeping them as paramours or mistresses or indulging in open fornication with them is forbidden (*Haram*).

Verses 6 - 7

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ
 وَأَيْدِيَكُمْ إِلَى الْمَرْأَقِ وَامْسَحُوا بُرُوجُ وُسُكُومْ وَأَرْجُلَكُمْ إِلَى
 الْكَعْبَيْنِ طَوَّافًا كُنُوتُمْ جُبَابًا فَاطَّهِرُوا طَوَّافًا وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى
 سَفَرٍ أَوْ جَاءَكُمْ أَحَدٌ مِّنْكُمْ مِّنَ الْغَائِطِ أَوْ لَمْسِتُمُ النِّسَاءَ فَلَمْ تَحْدُدُوا
 مَا مَأْتَمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيَكُمْ
 مِّنْهُ مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِّنْ حَرَجٍ وَلَكِنْ يُرِيدُ
 لِيُطَهِّرَكُمْ وَلِيُتَمَّ نِعْمَةَ عَلَيْكُمْ لَعَلَّكُمْ تَشْكُرُونَ ﴿٦﴾ وَإِذْ كُرُوا
 نِعْمَةَ اللَّهِ عَلَيْكُمْ وَمِنْ شَاقَةِ الَّذِي وَاتَّقُوكُمْ بِهِ إِذْ قُلْتُمْ سَمِعْنَا
 وَأَطَعْنَا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ عَلِيمٌ بِذَاتِ الصُّدُورِ ﴿٧﴾

O those who believe, when you rise for *Salâh*, wash your faces and your hands upto the elbows, and make *Mash*¹ of your heads and (wash) your feet upto the ankles. And if you are in a state of major impurity ², cleanse yourselves well (by taking bath). And if you are sick, or in travel or one of you has come after easing himself, or you have touched women, and you find no water, then, go for some clean dust and wipe your faces and hands with it. Allah does not like to impose a problem on you; He, rather likes to cleanse you and to complete his favour upon you, so that you may be grateful. [6] And remember Allah's favour upon you and His covenant that He has taken from you when you said, "We have listened and obeyed." And fear Allah. Allah is all-aware of what lies in the hearts. [7]

1. *Mash*: Passing wet hands over something.

2. *Janâbah*: Major Impurity: See note under 4:43, Vol. II.

Some injunctions of the Shari'ah concerning the conduct of worldly life, choices in marriage and food appeared in the previous verses. This verse mentions some injunctions relating to *'Ibadat*, acts of worship like *Salāh*, *Wudū*, *Mash*, *Tayammum*, *Ghusl* and *Tahārah*.

Verses 8 - 10

يَا أَيُّهَا الَّذِينَ آمَنُوا كُوْنُوا قَوْمِينَ لِلَّهِ شَهَادَةً بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَآنُ قَوْمٍ عَلَىٰ أَلَا تَعْدِلُوا إِنَّمَا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَيْرٌ مَا تَعْمَلُونَ ﴿٨﴾ وَعَدَ اللَّهُ الَّذِينَ آمَنُوا وَعَمِلُوا الصَّلِحَاتِ لَهُمْ مَغْفِرَةٌ وَآخِرٌ عَظِيمٌ ﴿٩﴾ وَالَّذِينَ كَفَرُوا وَكَذَّبُوا بِاِلْيَتِنَا أُولَئِكَ أَصْحَابُ الْجَنَّةِ ﴿١٠﴾

O those who believe, be steadfast for Allah as witnesses for justice. And malice against a people should not bid you to not doing justice. Do justice. That is nearer to *Taqwā*. And fear Allah. Surely, Allah is all-aware of what you do. [8] Allah has promised those who believe and do good deeds: For them there is forgiveness and a great reward. [9] And those who disbelieve and deny Our signs - they are the people of the Fire. [10]

Commentary

The subject of the first of the three verses given above has appeared earlier in Surah al-Nisā' in almost the same words. The only difference is that the arrangement of words there (4:135) was: كُوْنُوا قَوْمِينَ بِالْقِسْطِ شَهَادَةً while, here (5:8), it has been said: كُوْنُوا قَوْمِينَ لِلَّهِ شَهَادَةً بِالْقِسْطِ (be steadfast for Allah as witnesses for justice). A delicate reason for the alternation in words appearing earlier and later in these two verses has been given by Abu Hayyān in his *Tafsīr Al-Bahr al-Muhiṭ* a gist of which is given below.

There are usually two causes which hold people back from doing justice and then make them do the unjust and the oppressive. The first one is taking the side of your own self, or that of your friends and relatives. Enmity with someone is the other cause. The verse in Surah al-Nisā' is addressing itself to the first subject while this verse of Surah al-Mā'idah is oriented to the other.

Therefore, the words which follow this sentence in Surah Al-Nisā' are: وَلَوْ عَلَيْكُمْ أَنْفُسُكُمْ أَوِ الْوَالِدَيْنَ وَالْأَقْرَبِينَ that is, 'even though against yourselves or the parents, and the kinsfolk ...'. After the sentence of Surah al-Mā'idah cited above, the words which follow in this verse are: وَلَا يَجْرِيَنَّكُمْ that is, ' And malice against a people should not bid you to not doing justice ...'. So, the essential message of this verse of Surah al-Nisā' is: When it comes to doing justice, let nothing affect you, neither your own self, nor your parents, nor your relatives. If the demand of justice happens to be against them, stay with nothing but justice. The essence of this verse from Surah al-Mā'idah is that hostility against an enemy should not affect your sense of justice to the limit that you start working against the demands of justice to harm your enemy.

This is the reason why, by placing '*al-qist*' (justice) first in the verse of the Surah al-Nisā', it was said: كُوَنُوا كَوْمَيْنَ بِالْقِسْطِ شُهَدَاءَ اللَّهِ (... be upholders of justice, witnesses for Allah ...) and, by placing '*lillāh*' (for Allah) first in the verse of Surah al-Mā'idah, it was said: كُوَنُوا كَوْمَيْنَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ (... be steadfast for Allah as witnesses for justice ...) - though, both these modes serve the same purpose end-wise. It is obvious that a person who stands for justice will stand for none but Allah, and one who stands for none but Allah will do nothing but justice. But, when it comes to protecting personal interest or favouring friends and relatives, one may be tempted to justify the thought that the act of caring for relationships here is also for Allah. Therefore, by bringing in the word, '*al-qist*' (justice) first at that point, the message given was that the concession which is contrary to justice cannot be for Allah. And in Surah al-Mā'idah, where the purpose was to enjoin justice with enemies, the word '*lillāh*' (for Allah) was brought in first, which took away the chances of sentimental attachments overpowering human nature. The point is, when you stand for Allah, the inevitable outcome should be an equal justice with enemies as well.

In short, both these verses of Surah Al-Nisā' and Surah al-Mā'idah carry two elements of guidance. The first commands full adherence to justice whether dealing with friends or foes. No weakness should be shown on account of any relationship, friendly or hostile. The second instruction given in these two verses is that no one should avoid recording true evidence and stating what is the truth in honesty with

Allah, so that the decision makers face no difficulty in arriving at the true, sound and just decision.

The Holy Qur'an has stressed upon this subject in several verses with various angles telling people not to drag their feet and be tardy in appearing as true witnesses. Verse 2:283 from Surah Al-Baqarah carries a very clear command: ﴿وَلَا تُكْسِرُوا الشَّهَادَةَ وَمَنْ يَكْسِرُهَا فَإِنَّمَا قُلْبُهُ (And do not conceal the testimony. And whoever conceals it, his heart is, surely, a sinner) which proves that to give a true evidence is an obligation and its concealment, a grave sin.

But, the Holy Qur'an has also kept in sight the impediments to the fulfillment of such duty. The central obstacle is that a witness is made to appear in the courts repeatedly where he is subjected to absurd cross-examinations aimed at breaking the witness and invalidating his testimony. The result is that anyone marked to be a witness is actually marked out for trouble. Kept away from what he does for living, he becomes a target of all sorts of inconveniences just for nothing. Therefore, when the Holy Qur'an says that the giving of true evidence is necessary (*Wajib*), it also says: ﴿وَلَا يُصَارِكَانِبَ وَلَا شَهِيدٌ (And neither scribe nor witness should be made to suffer - 2:282).

A carefully investigated view of the courts and cases today will reveal that spot witnesses and true witnesses are almost extinct. Any sensible person who happens to see something unusual taking place somewhere would instinctively run away from there lest he gets grabbed as a witness. The police fills out its case report with made-up witnesses the result of which could hardly be any different than what is being observed day in and day out. Not even five, or ten per cent cases can be decided on the basis of truth and justice. Courts too cannot do anything about it. The kind of witnesses they receive are the only basis on which they have to arrive at their conclusions and decide cases.

But, no one seems to notice the initial error being made in this matter. If witnesses are treated nicely and they are not harrassed time and again, good people would not hesitate to come forward to register their testimony as required under the teachings of the Qur'an. But, what is happening here is that the first investigation of a case is handled by the police and it is, by itself, enough to drive a witness cra-

zy by his repeated appearances at the station. Once a witness, he would never be a witness again, not even on his dead body. Then the case goes to the court, if it does. And if it does, there comes the problem of dates, one after the other, they keep coming, next and next. But, the witness becomes the victim who has to undergo the punishment of a crime he never committed when he comes to record his presence on every such new date. This long-hauled rule of procedure, a sick vestige of the British colonist, has corrupted our courts and judicial departments. One naturally tends to compare it with the form of simple and speedy justice provided in modern-day *Hijaz* and elsewhere in which the number of pending cases cannot become so large, nor would they prolong so continuously, nor does it cause any harrassment to witnesses while fulfilling their religious duty.

To sum up, the blessings of an Islamic legal system can be seen even today by simply restructuring the law of evidence, and its attending rule of procedure, in accordance with the teachings of the Qur'an which require the knowers of truth to testify and which also command that they should not be put to any inconvenience and that they should be free to go within the shortest possible time after recording their testimony.

Some forms of testimony

Finally, at this point, it is important to know that the sense of witness and testimony in current usage has become limited to testifying before a judge or Committee hearing suits and disputes. But, in the terminology of the Qur'an and Sunnah, the word '*Shahādah*' (testimony) has a much broader sense. For instance, the medical certificate given to a sick person which states that he is unable to report on duty, or that he should be retired on medical grounds, is also a testimony. If the statement made in it was contrary to the actual condition of the sick person, it will turn into a false evidence and become a grave sin.

Similarly, checking student papers and marking them out during tests and examinations is also an act of testifying. If any increase or decrease in the marks allotted in them was done knowingly or carelessly, that too shall be a false evidence, which is unlawful, and a grave sin.

Certificates and testimonials awarded to successfully graduating students bear a witness that the awardee has the capability of doing what his or her documents say. But, should it be that the person concerned is, in fact, not so capable, then, everyone who has signed on that certificate or testimonial stands charged with the crime of false attestation.

Correspondingly, casting a vote in favour of a candidate seeking election to assemblies, councils and public bodies is also a testimony in which the voter bears witness that, in his or her knowledge and estimation, the particular candidate is worthy of becoming a representative or spokesperson of the country and its people, both in terms of his ability and merits and in terms of his honesty and trustworthiness as well.

Now, figure out how many of our representatives are there about whom this 'evidence' would prove to be true and correct? But, there is little that can be said about our electorate which seems to take this exercise of voting as some game where one either wins or loses. That, to them, is all there is to it. Yet, the right of vote is sold for money, or cast under pressure, or thrown away for fickle friends and shady promises. Leave others alone, even educated and observing Muslims fail to realize while voting for undeserving people that they were inviting the curse and punishment of Allah by putting their false evidence on record.

There is yet another way of looking at the casting of votes to elect representatives in accordance with the Holy Qur'an. This is called '*Shafā'ah*' (recommendation or *Sifarish*). It means that the voter approves of the candidate of his choice and recommends that he should be elected as a representative. The injunction of the Holy Qur'an relevant to this situation has appeared earlier in the words given below:

وَمَنْ يُشْفَعْ شَفَاعَةً يَكُنْ لَّهُ نَصِيبٌ مِنْهَا وَمَنْ يُشْفَعْ شَفَاعَةً سَتِّهَ يَكُنْ
لَّهُ كِفْلٌ بِمِنْهَا

Whoever makes a good recommendation, there shall be for him a share from it (in the Hereafter). And whoever makes a bad recommendation, there shall be for him a share from it - (4:85).

It means that anyone who makes a good, true and justified recommendation, then, he too will get a share from the good deed of the person he has recommended. And a person who makes a bad recommendation, that is, favours someone undeserving and bad to succeed through his recommendation, then, he too shall get a share from the bad deeds of the person he has recommended. Thus, when a candidate like this will, during his tenure of office, go on doing what is wrong and impermissible, it is obvious that the curse of his evil doings will fall on the voter as well.

The vote has a third status in the sight of the Shari'ah of Islam - that of advocacy (*Wakālah*). This is, as if, the voter makes the candidate his representative and agent on his or her behalf. But, had this agency been connected with one of his personal rights and the gain or loss from it would have affected his person alone, then, he would have been responsible for it personally. However, that situation does not prevail here, because this agency concerns rights which the entire nation shares with him. Therefore, should a person contribute to the success of an undeserving candidate by voting for him as his representative, then, the sin of bulldozing the rights of the entire nation rests on his shoulders.

To recapitulate, our vote has a three-pronged status: *Shahādah* (evidence), *Shafa'ah* (Recommendation) and *Wakālah* (Advocacy or representation in common rights). Under all three conditions, voting for a good and deserving person brings great reward the fruits of which are bound to reach the voter. Similarly, voting for someone undeserving and uncouth is false evidence, unjustified recommendation and impermissible advocacy all in one, so, the evil fruits of his thoughtless voting shall stand recorded in the voter's log of deeds.

Therefore, it is the duty of every Muslim, man and woman, that he or she must fully investigate into the background of the candidate being voted for well before the vote is cast. Let them make sure that the candidate is deserving, capable and honest - and not otherwise. Negligence, apathy and heedlessness are poor reasons to go about committing such grave crimes. If done for no reason, it is absurdity at its worst.

Verses 11 - 12

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذْ كُرُوا نِعْمَتَ اللَّهِ عَلَيْكُمْ إِذْ هَمْ قَوْمٌ أَنْ
تَبْسُطُوا إِلَيْكُمْ أَيْدِيهِمْ فَكَفَأَيْدِيهِمْ عَنْكُمْ وَاتَّقُوا اللَّهَ
وَعَلَى اللَّهِ فَلِيَتَوَكَّلَ الْمُؤْمِنُونَ ﴿١١﴾ وَلَقَدْ أَخَذَ اللَّهُ مِيثَاقَ
بَنِي إِسْرَائِيلَ وَبَعْثَنَا مِنْهُمْ أُنْشَوْنَ عَشَرَ نَقِيبًا طَوَّقَ اللَّهُ إِنَّمَا
مَعَكُمْ لِئِنْ أَقْمَتُمُ الصَّلَاةَ وَاتَّدِعُمُ الرَّزْكَوَةَ وَآمَنْتُمْ بِرَسُولِي
وَعَزَّزْتُمُوهُمْ وَأَقْرَضْتُمُ اللَّهَ قَرْضًا حَسَنًا لَا كُفَّرَنَّ عَنْكُمْ
سَيِّئَاتِكُمْ وَلَا دُخْلَنَّكُمْ بَجْنَتٍ تَحْبُرُ مِنْ تَحْتِهَا الْأَنْهَرُ فَمَنْ كَفَرَ
بَعْدَ ذَلِكَ مِنْكُمْ فَقَدْ ضَلَّ سَوَاءَ السَّبِيلُ ﴿١٢﴾

O those who believe, remember Allah's favour upon you, when some people planned to lay their hands on you, and he kept their hands away from you. And fear Allah. And in Allah the believers should place their trust. [11] And Allah has made the Children of Israel take a pledge. And We appointed twelve chiefs from among them. And Allah said, "I am surely with you. If you establish *Salāh*, and pay *Zakāh*, and believe in My Messengers, and hold them in reverence, and advance to Allah a goodly loan, I shall certainly write off your evil deeds and I shall certainly admit you into Gardens beneath which rivers flow. So, whoever from you disbelieves after that has lost the straight path." [12]

Commentary

In the seventh verse of Surah al-Mā'idah which appeared earlier Allah Almighty has asked Muslims to remember the pledge taken from them to which they professed belief and obedience:

وَإِذْ كُرُوا نِعْمَتَ اللَّهِ عَلَيْكُمْ وَمِيثَاقُهُ الَّذِي وَأَنَّكُمْ بِهِ إِذْ قُلْتُمْ سَمِعْنَا وَأَطَعْنَا
وَاتَّقُوا اللَّهَ

And remember Allah's favour upon you and His Covenant that He has taken from you when you said, "We have listened and obeyed." And fear Allah ... (5:7)

This pledge is the pledge of obedience to Allah and His Messenger and the pledge of practical adherence to the Shari'ah of Islam. This is technically known as the *Kalimah* or the statement of creed and which is:

لَا إِلَهَ إِلَّا اللَّهُ مُحَمَّدٌ رَسُولُ اللَّهِ

(*Lā ilāha il-lal-lāhū Muḥammadur-Rasūl-lāh*):

"There is no god worthy of worship but Allah Muhammad is the Messenger of Allah."

Every Muslim who says this *Kalimah* is bound by this pledge. In the verse which follows (5:8), some important articles of the pledge, that is, particular religious injunctions have been described. These enjoin equity and justice for friend and foe alike and teach justice and tolerance - not revenge - for enemies once overpowered. This pledge is, in itself, a great blessing of Allah, therefore, it has been made to begin with: (اذكروا نعمت الله عليكم) (And remember Allah's favour upon you ...).

By beginning the present verse (5:11) with the same sentence : (اذكروا نعمت الله عليكم) (And remember Allah's favour upon you), the objective is to tell Muslims that as long as they remained faithful to their pledge, Almighty Allah blessed them with power and excellence in the present world and with high ranks for the Hereafter, shielding them all along against their enemies, in war and in peace.

This verse particularly mentions how enemies conspired to destroy Muslims and kill their Prophet on so many occasions, but Almighty Allah foiled all their plans and put them to disgrace - 'some people planned to lay their hands on you, and He kept their hands away from you.'

Speaking generally, there are innumerable events on the annals of the history of Islam when the plans made by disbelievers were seen rolling in dust by Divine grace. But, there are some special events as well which our learned commentators have pinpointed as the substantiation of this verse - for example, in the Musnad of 'Abd al-Razzaq, a report from Sayyidna Jābir رضي الله عنه says:

In a *Jihād*, the Holy Prophet ﷺ and his Companions رضي الله عنهم اجمعين stopped to rest at one stage. The noble Companions scattered out to rest at various spots. The Holy Prophet ﷺ stopped by a tree, all by

himself. He hung his weapons on a branch of the tree. A villager from among the enemies pounced on this occasion, dashed in and took possession of the sword of the Holy Prophet ﷺ. Then, taking it out from the sheath, he threatened him by saying: مَنْ يَعْتَذِرُ مِنِّي (That is, 'now tell me who can save you from my hand?').

Undaunted, the Holy Prophet ﷺ said: 'Allah عزوجل said: 'Allah عزوجل عليه وسلم (the Mighty, the Exalted)'. The villager repeated what he had said earlier, that is, 'now tell me who can save you from my hand?' Once again, the Holy Prophet ﷺ said with the same composure: 'Allah عزوجل عليه وسلم'. After two or three exchanges in this manner, it was the awe of some unseen power which forced the challenger to put the sword back in its sheath. At that point, the Holy Prophet ﷺ called the Companions in and narrated what had transpired. The villager was still sitting by his side. He said nothing to him. (Ibn Kathir).

As part of an explanation of this verse, reports from some Companions say that there was an occasion when Ka'b ibn Ashraf, a Jew, had invited the Holy Prophet ﷺ to his house with the intention of killing him. Allah Almighty told him about this evil intention which foiled his conspiracy (Ibn Kathir). Also reported from Mujahid, 'Ikrimah and others is that the Holy Prophet ﷺ once went to Yahūd ibn Nudayr to talk about a matter of concern. He asked him to sit under a wall, engaged him in a conversation while secretly he appointed 'Amr ibn Jahsh to scale the wall from behind and throw down a rock from the top of the wall over him. Allah Almighty let His Messenger, may he remain blessed and protected for ever, know about their hostile intention and he immediately rose and moved away from there (Ibn Kathir).

There is no contradiction about these events. All of them can be taken to be substantiating the present verse where, after mentioning the unseen protection provided to the Holy Prophet ﷺ and to Muslims in general, it was said: وَاتَّهَا اللَّهُ وَعَلَى اللَّهِ فَلَيَسْتَوْكِلُ الْمُؤْمِنُونَ (And fear Allah. And in Allah the believers should place their trust).

First of all, what is being said here is that this blessing from Allah is not restricted to the Holy Prophet ﷺ, rather, the real cause of this Divine support and protection is the quality of *Taqwā* (the fear of Allah) and *Tawakkul* (Trust in Him). Any nation, or indi-

vidual who lives by these two virtues, in any time and in any place, will have the support and protection from Almighty Allah in the same manner. How well this was put in two lines by poet Iqbal:

فضائے بدر پیدا کر فرشتے تیری نصرت کو

اُتر سکتے ہیں گردون سے قطار اندر قطار اب بھی

Create the atmosphere of Badr, for your help the angels could
Descend from the heavens, file after file, even now!

It is also possible to refer this sentence back to the set of previous verses where Muslims have been commanded to treat their worst enemies with courtesy and justice. If so, the sentence would indicate that the teaching of courtesy and tolerance in the case of such avowed enemies may amount to making a political error which may put them back on their feet. Therefore, in this sentence, Muslims were warned that this tolerance and courtesy will bring absolutely no harm to them only if they continue being the kind of people who fear Allah and trust in Him. In fact, instead of giving the enemies the courage and opportunity to renew their hostility against them, this behaviour of theirs will become the cause of bringing them closer to Islam into the Muslim area of influence. Besides, *Taqwā* or the fear of Allah is the only factor which can compel a person to abide by a pledge both physically and spiritually. Wherever this quality of *Taqwā* remains missing, pledges get readily broken as commonly witnessed these days. So, the earlier verse (5:8) which mentions a pledge, also directed to وَاتَّقُوا اللَّهَ (Fear Allah) towards the end. The same assertion was repeated here. Finally, this whole verse gives a clear hint that a Muslim victory with Divine support does not simply depend upon outward logistics and hardware, instead of that, the secret of their real power lies in *Taqwā* (the fear of Allah) and *Tawakkul* (trust in Him).

After the present verse has mentioned the pledge taken from Muslims and rewards it would bring when fulfilled, the second verse brings into focus another side of the issue. It clarifies that this taking of pledges is not something special to Muslims. Similar pledges were also taken earlier, from other communities as well. But, they failed to fulfill them. Therefore, various punishments were sent upon them. It is said in the verse that Almighty Allah had taken a pledge from the

Banī Isra'il (The Children of Israel). The pledge was taken in a particular form. The people from Banī Isra'il were divided over twelve tribes. One chief from each such tribe was chosen to represent them. Every chief from each of the twelve tribes declared on his behalf and on behalf of his whole tribe that they would adhere to this Divine Covenant. Thus, these twelve chiefs took that responsibility on behalf of the entire people of Banī Isra'il which entailed that they would themselves adhere to this pledge as well as make their tribe do so.

Worth noting at this point is the cardinal principle of Islam in matters of honour, merit, office and recognition which, in the words of the Persian poet, Jāmī, is:

بنده عشق شدی ترک نسب کن جامی

که درین راه فلان بن فلان چیزی نیست

You have become a servant in love, forget about your lineage, O Jāmī!

For, on this highway, so and so the son of so and so means nothing.

The Holy Prophet ﷺ had declared this in full clarity when delivering his historic Address on the occasion of his Last Hajj by saying that Islam does not recognize any dividing line between Arabs and non-Arabs, black or white, high caste or low caste. Whoever enters Islam becomes a brother to all Muslims. The distinctions of status, lineage, colour, country and language were the idols and icons of the Days of Ignorance - Islam has broken them all. But, it does not mean that one should not consider family background when harnessed to establish order and efficiency in administrative matters.

It is but natural that people of a tribe or family are more likely to trust a known member of their group as compared to others. Such a person is expected to understand and accommodate the feelings of his group much better because he knows their psychological reflexes in detail. When a pledge was taken from the twelve tribes of Banī Isra'il, it was based on this very strategy whereby one chief from each of the tribes was made responsible for its compliance.

The same consideration of administrative expediency and a peaceful resolution of possible conflict was made when the Banī Isra'il were highly agitated about a shortage of water. Sayyidnā Mūsa عليه السلام

prayed to Allah and as commanded by Him he struck his staff against a rock. Then, Almighty Allah made twelve streams flow from this rock for each of the twelve tribes. Allah Almighty has mentioned this great favour in the Holy Qur'ān (Surah al-A'rāf, 7:160) in the following words: ﴿وَقَطَّعْنَاهُمْ أَنْتَنَا عَشْرَةً أَسْبَاطًا أُمَّةً﴾ (And We divided them into twelve tribes, as separate communities) and: ﴿فَأَنْجَبْنَاهُ مِنْهُ أَنْتَكَ عَشْرَةً عَيْنًا﴾ (So, twelve springs gushed forth from it [one for each tribe]). As for this figure of twelve, it is rather unusual and lends to popular interpretations.

When the Ansār of Madīnah came to invite the Holy Prophet ﷺ to their city, he took a pledge from them in the form of *Bay'at*. In this pledge also, the twelve chiefs of the tribes of Anṣār, acting on behalf of their tribes, gave their hands in the blessed hands of the Holy Prophet ﷺ giving a solemn pledge of adherence popularly known as *Bay'at* (or *Bay'ah* in its pausal form).

Three of these chiefs were from the tribe of 'Aws and nine from the tribe of Khazraj (Ibn Kathīr).

According to another narration from Sayyidnā Jābir ibn Samurah appearing in al-Bukhārī and Muslim, the Holy Prophet ﷺ is reported to have said that people and their needs shall stay covered until such time that twelve *Khulafā'* (ruling authorities) will be leading them. After having reported this narration, Ibn Kathīr has commented that no word from this ḥadīth proves that these twelve Imāms or *Khulafā'* would rule one after the other, continuously. On the contrary, they could also appear spaced out from each other with breaks in between. Thus, there were four *Khulafā'* - Sayyidnā Abū Bakr, Sayyidnā 'Umar al-Faruq, Sayyidnā 'Uthmān al-Ghāni and Sayyidnā 'Alī al-Murtadā - رضي الله عنهم - succeeding in that order. After the passage of some time in between, Sayyidnā 'Umar ibn 'Abdul-'Azīz was accepted by the consensus of the *Ummah* as the fifth righteous *Khalifah* of Islam.

Now, returning back to the pledge taken from the Bani Isra'il, it will be recalled that Allah had made the twelve chiefs from their twelve tribes responsible for them and to them He said: إِنِّي مَعَكُمْ (I am with you). It means if they fulfilled the pledge themselves and resolved to make others do the same, Divine support shall be with them. After that, the verse enumerates some articles of this pledge, then re-

fers to the breach of trust committed by the Bani Isra'il and the subsequent punishment that descended upon them.

Thus, the sentence: اَنِّي مَعْنُوكُمْ (I am with you) which appears before mentioning the articles of the pledge is there to tell two things. Firstly, if they stood by the pledge, Divine support will be with them which they would witness on every step they take. Secondly, they must realize that Allah is with them everywhere, all the time. He is watching over this pledge. Nothing that they intend, think, plan and do will remain outside the reach of His knowledge. He sees and hears what they conceal and He is also aware of their intentions and plans. They cannot escape His grip by breaking the pledge. Then come the articles of the pledge, the first being 'the establishment of Salāh' followed by 'the paying of Zakāh properly.' This tells us that the people of Sayyidna Musā عليه السلام were also obligated with the duties of Salāh and Zakāh much before Islam. Other Qur'anic hints and authentic reports prove that these duties were not peculiar to Bani Isra'il alone. In fact, they have been enjoined by every prophet and every Shari'ah.

The third article of the pledge is that they should believe in all prophets and messengers sent by Allah and help them achieve their objective of spreading true guidance. Since many messengers were to come to the Bani Isra'il, they were the ones particularly charged to do this. Though, the status of basic 'Imān or faith comes ahead of actual acts such as Salāh and Zakāh, yet, in this pledge, what was to be actually done was what was placed first. Prophets and messengers who were to come, would be coming later. Since the matter of believing in them and helping them in their mission was to happen later, that part was placed later in the text.

The fourth article of the pledge is: أَفْرَضْتُمُ اللَّهَ فَرِضًا حَسَنًا (... and advance to Allah a goodly loan ...). "Qardan Hasana" (a goodly loan) means that it should be with absolute sincerity without any worldly expediency behind it. When spending in the way of Allah, one should spend what one holds dear - never trying to get away by giving out of the spare, the extra and the worthless. Spending in the way of Allah has been expressed as 'the giving of loan' because the return of a loan is taken as due legally, customarily and morally. So, one should spend in the way of Allah believing that it will be returned definitely.

Since the obligatory *Zakah* has already been mentioned at its place, the introduction of *Qard Hasan* here indicates that it is referring to *Sadaqat* and *Khayrat* (charities) other than *Zakah*. It also tells us that Muslims are not done with all financial responsibilities by simply paying off the *Zakah* due on them. There are other financial rights to be fulfilled, such as, making a *Masjid* where needed. When governments do not initiate or support religious education for children and adults, the responsibility of establishing and running institutions devoted to imparting religious education rests on none but Muslims themselves. The difference between the two is that *Zakah* is *Fard 'Ayn* (absolute obligation on every individual) while the kind of charities mentioned above are *Fard Kifayah* (an obligation of sufficiency as explained below).

Fard Kifayah means: should some individuals or a group from the Muslim community take care of such needs, other Muslims are released from the burden of responsibility; and, should no one come forward to do so, everyone becomes a sinner. How terrible are the circumstances in which schools for religious education are operating in our time is known and braved by only those who have made it a mission of their lives to keep serving their Faith through these institutions of religious learning. As for paying *Zakah*, Muslims know that it is an obligation on them. It is strange that, despite this knowledge, there are very few who pay their *Zakah* - and there are still fewer who take the trouble of paying the full *Zakah* due on them after a full accounting. And even those who rarely pay out the full amount of *Zakah* due on them, think that they have done all they were supposed to do and that there is nothing more due on them. Go to them about some urgent need of a *Masjid* and they will come up with *Zakah* money. The same thing happens with religious institutions - they too hardly get any financial support other than *Zakah*. Although, these are duties, other than *Zakah*, which Muslims have to fulfill - this has been made clear in this verse of the Qur'an and in many other verses similar to it.

Towards the end of the verse, after enumerating the articles of the pledge, it was also clarified that the fulfillment of the pledge on their part will be amply rewarded, even their past sins will be forgiven and they will have the eternal comfort and security of Paradise. But, final-

ly they were given to understand that should any of them elect to ignore such clear statements and go on to the limits of rejection and rebellion, they should know that they have left the straight path only to their self-appointed ruin.

Verses 13 - 14

فِيمَا نَقْضُهُمْ مِّيَّا قَاهُمْ لَعْنَهُمْ وَجَعَلْنَا قُلُوبَهُمْ قُسِّيَّةً
يُحَرِّفُونَ الْكَلِمَ عَنْ مَوَاضِعِهِ وَنَسُوا حَظًا مِّمَّا ذُكِرُوا بِهِ صَوْتًا
وَلَا تَزَالُ تَطْلُعُ عَلَىٰ خَائِنَةِ مِنْهُمْ إِلَّا قَلِيلًا مِّنْهُمْ فَاعْفُ عَنْهُمْ
وَاصْفَحْ طَإِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ ﴿١٣﴾ وَمِنَ الَّذِينَ قَاتَلُوكُمْ أَنَّا
نَصَرَّكُمْ أَخْذَنَا مِيَّا قَاهُمْ فَنَسُوا حَظًا مِّمَّا ذُكِرُوا بِهِ صَوْتًا فَأَغْرِيْنَا
بِيَّنَهُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ إِلَىٰ يَوْمِ الْقِيَمَةِ وَسُوفَ يُبَيِّنُهُمْ
اللَّهُمَّ كَانُوا يَصْنَعُونَ ﴿١٤﴾

So, because they broke their pledge, We cursed them and made their hearts hardened. They move words away from their places, and they have overlooked a good deal of the Advice they were given. And every now and then you come accross a certain treachery from them all but a few. So, forgive them and forego. Indeed, Allah loves the good-in-deed.[13] And from those who say, "We are Christians," We took a pledge. So, they have overlooked a good deal of the Advice they were given. So, We had them stuck with enmity and malice among them right through the Day of Doom. And Allah shall tell them what they were doing. [14]

Commentary

The first verse is telling us that Bani Isra'il were heedless to clear instructions given to them. Then, they broke the pledge for which they were punished. There were two kinds of punishment which visited Bani Isra'il because of their misdeeds and contumacy:

1. Manifest and perceptible, like the hail of stones and rocks or the overturning of land mass, which find mention in several verses of the Qur'an.

2. Intellectual and spiritual, as if their very minds and hearts were transformed in punishment for their contumacy which made them incapable of thinking and feeling and they went on sinking deeper in the curse of their sins.

The verse opens with the words: فِيمَا نَفْسُهُمْ قَاتَلُوهُمْ وَجَعَلْنَا قُلُوبَهُمْ قَسِيَّةً . It means that it was because of their contravention of the solemn pledge that Allah made them far-removed from His mercy (that is, from its effects, which is the reality of 'La'nah' or curse - Ḥadrat Thānавī) and made their hearts hardened against any penetration of truth. This removal from mercy and the hardening of hearts has been likened to "Rā'n" (stain or rust) by the Holy Qur'an in Sūrah al-Muṭaffifīn: كَلَّا يَلَّا رَأَوْا عَلَىٰ قُلُوبِهِمْ مَا كَانُوا يَكْسِبُونَ . It means that the reason why they reject open verses of the Qur'an and all too manifest signs is that the stain of sins has settled down on their hearts. In a ḥadīth, the Holy Prophet ﷺ said: When someone commits a sin for the first time, a black dot gets stamped on the heart. He feels the pinch of this evil presence all the time. It is like a black stain on a white cloth which is a constant sore of the eye. Now, if he gets chastened, repents and resolves not to do it again, that dot is erased; and should he become care-free and start a spree of other sins, a black dot for each subsequent sin will keep adding up, so much so, that the clean slate of his heart will turn jet black with these dots of stain. At that stage, the state of his heart will become very much like a pot placed upside down in which nothing goes in but to come out instantly. Therefore, nothing good settles down in his heart for he has fallen into a state of moral inertia - to him nothing good is good and no evil is evil. Rather, the opposite becomes his more likely approach - he starts taking defect as merit, vice as virtue and sin as reward. Thus armed with his crooked thinking, he goes on riding high in his rebellion and contumacy. This is a cash and spot punishment of his sin which he gets right here in this mortal world.

ان من جزاء الحسنة بعدها وان من جزاء السيئة السبعة بعدها , that is, the cash reward of a good deed is that one gets the Taufiq (the ability given by Allah) of doing another good deed. Similarly, the cash reward of a sin is that one's heart starts being attracted by other sins soon after the first. Thus, obedience and disobedience both have a pull of their own - one good invites another good and one evil attracts other evils and sins.

Referring back to the breach of trust committed by the Bani Isra'il, it can be said that the cash punishment due against it was that they were removed from Divine mercy - which is the greatest medium of salvation. And their hearts became so hardened that they stooped to the level of 'moving words away from their places' which means that they alter the Word of God - in words or meanings or recitation - all of which have been described in the Holy Qur'an and the books of *Aḥādīth*, some of which have been acknowledged by European Christians as well (Tafsīr Usmānī).

The result of the intellectual and spiritual punishment mentioned above was that they forgot to take advantage of the good counsel given to them: فَسْتُرُوكُلَّا مُكْفِرًا يَهُ . Then, this punishment stuck glued to them: لَا تَرَوْنَ تَطْلُعُ عَلَىٰ خَائِفَةٍ مِّنْهُمْ that is, the Prophet of Islam would keep knowing about one or the other breaches, deceptions and treacheries committed by them. The exception is indicated in: إِلَّا قَلِيلًا مِّنْهُمْ (but a few) which refers to people like Sayyidna 'Abdullāh ibn Salām and others who were followers of the faith of the People of the Book before they became true Muslims.

Upto this point, the description of the misconduct of the Bani Isra'il was obviously demanding enough that the Holy Prophet ﷺ should hold them in contempt and never allow them to come to him. Therefore, in the last sentence of this verse, the instruction given to the Holy Prophet ﷺ was: نَأْعُذُّ عَنْهُمْ وَأَصْفِحْ طَرَأَ اللَّهُ بِحُبِّ الْمُحْسِنِينَ (So forgive them and forego. Indeed, Allah loves the good-in-deed). It means that, despite their peculiar condition being what it is, it is better that the Prophet of Islam abstains from doing what is otherwise quite natural. In other words, he should not treat them with contempt or hatred because after knowing what they are - hardhearted and cold - the chances that any good counsel would affect them are very remote. Granted. But, toleration and civility of morals are wonder virtues which could probe out some sense and sensibility from out of such insensate people. Even if this effort to drive some sense into them fails, something worth doing still remains - keeping one's own matters and morals correct is, after all, quite necessary. Allah Almighty likes what is done with good grace - and it will definitely bring Muslims closer to Him.

From the first verse, 5:13, which dealt with the breach of trust by Jews and their punishment for it, we now move to the next verse, 5:14, which refers to Christians: وَمِنَ الَّذِينَ قَاتَلُوكُمْ أَتَأْتُمْهُمْ بِمَا كُنْتُمْ تَعْمَلُونَ . In this verse, the punishment described for Christians is mutual dissension. Being for their breach of trust, this will continue right upto the Last Day.

Looking at the contemporary scene, one may have doubts about Christians who seem to be united. The answer is that the present statement covers genuine Christians, observing and abiding. As for those who have moved away from their own religion turning into non-conformist, secular or atheistic individuals or groups, they are, for all practical purposes, out of the list of Christians - even though, they may count them as Christians among the nationalities of a country. If, among such people, that religious dissension and mutual hostility does not exist, it would not be contrary to this verse - because the conflict was based on religion, once the religion is not there, conflict too would not be there. As said earlier, this verse describes people who profess and practice the religion of Christianity - and their division is well-known.

Given below is a brief reference from *Taysir* in the marginal notes of commentator, al-Baydawî which reports that there were three sects among Christians originally:

1. *Fisturyah* (Nestorians) who took Sayyidna 'Isâ (Jesus) as the son of God.
2. *Ya'qubiyah* (Jacobites) who believed in Sayyidna 'Isâ (Jesus) himself as one with God.
3. *Malka'iyah* (Malkites) who believed in Sayyidna 'Isâ (Jesus) as one of the Trinity.

And it goes without saying that in the presence of such major divisions in matters of belief, mutual malice is inevitable.

Verses 15 - 18

يَا أَهْلَ الْكِتَابِ قَدْ جَاءَكُمْ رَسُولُنَا يُبَيِّنُ لَكُمْ كَثِيرًا مِمَّا كُنْتُمْ تُخْفُونَ مِنَ الْكِتَابِ وَيَعْفُوا عَنْ كَثِيرٍ طَقْدُ جَاءَكُمْ مِنْ اللَّهِ

بُوْرَ وَكَتَبَ مُبِينٌ ﴿١٥﴾ يَهُدِي بِهِ اللَّهُ مِنْ أَبَعَّ رُضْوَانَهُ سُبْلَ السَّلَمِ وَيُخْرِجُهُمْ مِنَ الظُّلْمِ إِلَى النُّورِ يَأْذِنُهُ وَيَهُدِيَهُمْ إِلَى صِرَاطِ مُسْتَقِيمٍ ﴿١٦﴾ لَقَدْ كَفَرَ الَّذِينَ قَالُوا إِنَّ اللَّهَ هُوَ الْمُسِيحُ ابْنُ مَرْيَمَ قُلْ فَمَنْ يَمْلِكُ مِنَ اللَّهِ شَيْئًا إِنْ أَرَادَ أَنْ يَهُلِكَ الْمُسِيحَ ابْنَ مَرْيَمَ وَآمَّةَ وَمَنْ فِي الْأَرْضِ جَمِيعًا طَوْلَ اللَّهِ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ وَمَا بَيْنَهُمَا يَخْلُقُ مَا يَشَاءُ طَوْلَ اللَّهِ عَلَى كُلِّ شَيْءٍ قَدِيرٌ ﴿١٧﴾ وَقَالَتِ الْيَهُودُ وَالنَّصَارَى نَحْنُ أَبْنَاءُ اللَّهِ وَأَحِبَّاؤُهُ طَ قُلْ فَلَمَ يَعْدِبُكُمْ بِذُنُوبِكُمْ بَلْ أَنْتُمْ بَشَرٌ مِنْ خَلْقِهِ يَغْفِرُ لِمَنْ يَشَاءُ طَ وَيَعْذِبُ مَنْ يَشَاءُ طَ وَلِلَّهِ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ وَمَا بَيْنَهُمَا طَ وَإِلَيْهِ الْمُصِيرُ ﴿١٨﴾

O people of the Book, there has come to you Our Messenger disclosing to you much of what you have been concealing of the Book, while he passes over much. [15]

There has come to you from Allah a Light and clear Book; with it Allah guides those who follow His pleasure in the pathways of peace, and brings them out, by His will, from the depths of darkness into the light, and guides them to a straight path. [16]

Certainly, gone infidel are those who say, “God is the Masiḥ son of Maryam (Jesus son of Mary).” Say, “Who then has the power to do anything against Allah if He wills to eliminate the Masiḥ son of Maryam and his mother and all those on earth?” And to Allah belongs the kingdom of the heavens and the earth and what lies between them. He creates what He wills. And Allah is powerful over everything. [17]

And the Jews and the Christians say, “We are the sons of Allah and His favourites.” Say, “Why then would He punish you for your sins? In fact, you are just human, among those He created. He forgives whom He wills and punishes whom He wills.” And to Allah belongs the

kingdom of the heavens and the earth and what lies between them, and to Him is the return. [18]

Commentary

Refuted here in this verse is only one saying of the Christians - which is the belief of a sect among them - that Sayyidnā Masiḥ عليه السلام is God. But, the argument employed in the refutation virtually covers the false beliefs of all sects against the inalienable principle of *Tauhid*, that is the Oneness of Allah. This may be a belief in a son of God or a belief in one of the three Gods - the argument refutes all of them.

That Sayyidnā Masiḥ and his blessed mother have been mentioned here jointly could be because of two wise considerations. Firstly, it is the humility of Sayyidnā Masiḥ before Allah *Ta'ālā* that he could never think of saving himself against the will of Allah, or his mother whose care and service a good son considers dearer than his own life. Secondly, by doing so, the view of the sect which takes Sayyidah Maryam as one of the three Gods also stands refuted.

Also noteworthy at this point is the mention of the death of Sayyidnā 'Isā and Sayyidah Maryam, peace be upon both of them, as a supposition - although, the death of Sayyidah Maryam was no supposition at the time of the revelation of the Qur'an; it had already occurred, in fact. The reason for this may either be the superimposition (*Tagħlib*) of the desired subject, that is, since the real intent here was to describe the death of Sayyidnā 'Isā as a supposition, the mention of his blessed mother was also made as a corollary of the same subject, even though, her death had already occurred - or, it can also be said that the expression means: The way We have made death take away Sayyidah Maryam, it lies within Our power to make it overtake Sayyidnā Masiḥ and the rest of the creation as well. And the statement: (He creates what He wills - 5:17), is there to refute this particular base which Christians use to deify Sayyidnā Masiḥ because they reason out that his birth came to pass, against all rules of nature operative in this world, without a father and from the mother alone - had he too been a human being, he would have been born through a mother and father both, very much in accordance with the natural law.

This one sentence answers the reasoning by saying that Allah has the most perfect and the most comprehensive power to create what He

wills and how He wills. The same doubt has been removed in the verse: إِنَّ مَثَلَ عِيشَىٰ عِنْدَ اللَّهِ كَمَثَلَ آدَمَ (Surely, the case of 'Isā, in the sight of Allah, is like the case of Adam - 3:59) where it has been established that the creation of Sayyidnā Masiḥ عليه السلام as separate from the habitual law of nature cannot become an argument in favour of his being taken as God.

The reason lies in pondering that Allah Ta'ālā did create Sayyidnā Adam عليه السلام without a father and mother both. He has the power, all power, over everything. He is the Creator and the Master and the most worthy of worship. No one else can be associated with His Divinity as a partner or sharer.

Verse 19

يَا أَهْلَ الْكِتَابِ قَدْ جَاءَكُمْ رَسُولُنَا مُبِينٌ لَكُمْ عَلَىٰ فَتْرَةٍ مِنْ
الرُّسُلِ أَنْ تَقُولُوا مَا جَاءَنَا مِنْ بَشِيرٍ وَلَا نَذِيرٍ فَقَدْ جَاءَكُمْ
بَشِيرٌ وَنَذِيرٌ وَاللَّهُ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ ﴿١٩﴾

O people of the Book, Our Messenger has come to you making things clear to you after a gap between Messengers, lest you were to say, "There has not come to us a bearer of good news, and a warner." So, now there has come to you a bearer of good news, and a warner. And Allah is powerful over everything. [19]

Commentary

The word, "fatrah" in: علىٰ فَتْرَةٍ مِنْ الرُّسُلِ (after a gap between Messengers) literally means to slacken, to become dormant or to suspend or to terminate an activity. Leading authorities in *Tafsîr* have given this very meaning of *fatrah* in this verse. It signifies the suspension of the coming of prophets for a certain interval of time which is the period of time in between Sayyidnā 'Isā عليه السلام and the Last of the Prophets, Sayyidnā Muḥammad al-Muṣṭafā صلى الله عليه وسلم.

Verification of the Gap

According to Sayyidnā 'Abdullâh ibn 'Abbas رضي الله عنه, there is a period of one thousand and seven hundred years between Sayyidnā Mûsâ and Sayyidnā 'Isâ عليهما السلام . During this whole period, prophets kept

coming with their missions without any gap. To Bani Isrā'il alone, one thousand prophets were sent during this period - not included in which are prophets who appeared among peoples other than Bani Isrā'il. Then comes the period of only five hundred years between the birth of Sayyidna 'Isa عليه السلام and the appearance of the Holy Prophet ﷺ as the Last Prophet. During this period, the usual chain of prophets remained discontinued. Therefore, this period is known as *Fatrah* or Gap. Before this, a longer period has never remained unvisited by prophets. (Qurṭubī, with some explanation from the author)

There are other reports regarding the period of time between Sayyidna Mūsa and Sayyidna 'Isa عليه السلام, and that which is between Sayyidna 'Isa عليه السلام and the Last Prophet, Sayyidna Muhammad al-Muṣṭafā ﷺ. The period of time indicated in these reports is either more, or less, but that does not affect the real purpose.

Imām al-Bukhārī reports on the authority of Sayyidna Salmaṇ al-Fārisī رضي الله عنه that there was a period of six hundred years between the time of Sayyidna 'Isa عليه السلام and the Last among Prophets ﷺ. During this entire period, no prophet was sent as confirmed by a *Hadīth* in Mishkāt, appearing there with reference to the Shāfi'ihs of al-Bukhārī and Muslim, which reports that the Holy Prophet ﷺ said: أَنَا أَقْرَبُ النَّاسِ بِعِينِي وَلَمْ يُنْذَلْ بَيْنَنَا بَيْنَنِي that is, 'Among people, I am the closest to 'Isa.' He explained the meaning of his remark later in the *Hadīth* when he said: لَمْ يُنْذَلْ بَيْنَنَا بَيْنَنِي that is, 'No prophet was sent between the two of us.'

As for the three messengers mentioned in Surah Yā Sīn (36), they were messengers sent by Sayyidna 'Isa عليه السلام who have been called messengers (bearers of a message) in the literal sense.

About the appearance of Khalid ibn Sinān al-'Arabī during this gap as reported by some chroniclers, *Tafsīr Rūh al-Ma'āni* says with reference to Shihāb that his being a prophet is correct, but the period in which he came was earlier than Sayyidna 'Isa عليه السلام not after him.

Rulings concerning the Gap

Obviously, the verse seems to indicate the fate of the group of people who were not visited by any messenger or prophet or their deputies, nor did they have the religious laws of past prophets preserved with them; such people will be considered excusable and will deserve

no punishment on the condition that such people should have not committed *Shirk*, the grave sin of ascribing partners in the Divinity of Allah. Therefore, Muslim jurists differ about rulings which apply to the people of *Fatrah* (gap), particularly about whether or not they will be forgiven.

The majority tilts towards the hope that they will be forgiven if they had kept adhering to the religion which had survived with them as originating from Sayyidnā Mūsā or Sayyidnā ‘Isā عليهما السلام irrespective of its authenticity - again, subject to the condition that they had not been hostile to the principle of *Tauhīd*, the Oneness of Allah, and had nothing to do with the practice of Shirk. The reason is that the Principle of *Tauhīd* needs no reported proof. Any human being who ponders over it could himself reason it out.

A Question and its Answer

A question may arise here that the Jews and Christians, the people of the Book, who are being addressed in this verse did have the Torah and the Evangile and their sages and scholars with them even if no messengers reached them during this gap. How then could they come up with the excuse on the Day of Judgement that they had received no guidance? The answer is that by the time of the Holy Prophet ﷺ the original Torah and the Evangile had gone extinct. There were alterations in texts and additions of false narratives. Thus, the availability of non-original scriptures were no better than its extinction. The likelihood of an original manuscript surviving at some unknown place with someone would not be contrary to the assertion made. In fact, some scholars including Ibn Taymiyyah have written that the original copies of the Torah and Evangile were present at some places.

The Unique Perfection of the Last among Prophets ﷺ

When, by addressing the people of the Book in this verse, it was said that 'Our Messenger, Muhammad al-Muṣṭafa ﷺ has come after a long gap,' there emerges a subtle hint towards the need that people who have been honoured with his presence among them should consider this as a matchless blessing and a supreme asset because the line of prophets had remained suspended since a long time and it has been opened for them once again.

Yet another indication given here is towards the fact that the

world has been blessed with his presence in an age and at a place which lacked the light of knowledge and faith. The creation of God had lost its link with God only to be immersed in the worship of self-made idols. In the backdrop of a time such as this, the mission of reviving a people so lost was no easy task. This time was the notorious *Jahiliyyah*, commonly identified as the Age of Ignorance, and the people from it who were entrusted with the Prophet of Islam were spoiled, self-centered and uncompromising. Yet, such was the bliss of his company and so bracing was the light of his mission that this very set of people became, in a very short time, role models and teachers for the whole world in all departments of life - in knowledge, deed, morals, dealings, social living, to name only a few. This, then, becomes a widely witnessed and authentically verified proof that he was a Prophet and Messenger of Allah and that his prophetic teachings were the most effective and the most surpassing among those coming from all past prophets. Imagine the mission of a physician who treats a hopeless patient and does it at a place which lacks medical instruments, and medicines too, yet he succeeds in his effort to treat the patient to the limit that this patient, not simply that he rises from his death-bed to become a healthy person, but that he goes way ahead and himself turns into an expert physician and healer as well - if so, who can doubt the perfection of the master healer!

With this in view, we can see that following the long gap when disbelief in and disobedience to God reigned supreme everywhere, his teaching and training spread out the kind of universal light which remains unparalleled by any age previous to it. In short, out of all miracles, this one miracle alone could compel human beings to have faith in him.

Verses 20 - 26

وَإِذْ قَالَ مُوسَى لِقَوْمِهِ يَقُولُمْ اذْكُرُوا نِعْمَةَ اللَّهِ عَلَيْكُمْ إِذْ جَعَلَ فِيهِكُمْ أَنْبِيَاً وَجَعَلَكُمْ مُّلُوكًا وَآتَكُمْ مَالًا مُّؤْتَدِّلًا مِنَ الْعَالَمِينَ ﴿٢٠﴾ يَقُولُمْ ادْخُلُوا الْأَرْضَ الْمُقَدَّسَةَ الَّتِي كَتَبَ اللَّهُ لَكُمْ وَلَا تَرْتَدُوا عَلَيْيَ اذْبَارِكُمْ فَتَنْقِلُبُوا خِسْرِينَ ﴿٢١﴾ قَالُوا

يَمُوسَىٰ إِنَّ فِيهَا قَوْمًا جَبَارِينَ ۚ وَإِنَّا كُنَّا نَذْخُلُهَا حَتَّىٰ يَخْرُجُوا مِنْهَا ۖ فَإِنَّ يَخْرُجُوا مِنْهَا فَإِنَّا دَخْلُونَ ۝ ۲۲ ۝ قَالَ رَجُلٌ مِّنَ الَّذِينَ يَخَافُونَ أَنْعَمَ اللَّهُ عَلَيْهِمَا ادْخُلُوا عَلَيْهِمُ الْبَابَ ۚ فَإِذَا دَخَلْتُمُوهُ فَإِنَّكُمْ غَلِيبُونَ ۚ وَعَلَى اللَّهِ فَتَوَكَّلُوا ۗ إِنْ كُنْتُمْ مُّؤْمِنِينَ ۝ ۲۳ ۝ قَالُوا يَمُوسَىٰ إِنَّا كُنَّا نَذْخُلُهَا أَبَدًا مَّا دَامُوا فِيهَا فَادْهَبْ أَنْتَ وَرَبُّكَ فَقَاتِلُوا إِنَّا هُنَّا قَعِدُونَ ۝ ۲۴ ۝ قَالَ رَبُّ إِنِّي لَا أَمُلِكُ إِلَّا نَفْسِي وَأَخِي فَأَفْرُقُ بَيْنَنَا وَبَيْنَ الْقَوْمِ الْفَسِيقِينَ ۝ ۲۵ ۝ قَالَ فَإِنَّهَا مُحَرَّمَةٌ عَلَيْهِمْ أَرْبَعِينَ سَنَةً ۚ يَتِيمُهُونَ فِي الْأَرْضِ ۖ فَلَا تَأْسَ عَلَى الْقَوْمِ الْفَسِيقِينَ ۝ ۲۶ ۝

And when Mūsā said to his people, “O my people, remember the blessing of Allah upon you when He made prophets from among you, made you kings and gave you what He did not give to anyone in the worlds. [20]

O my people, enter the Holy Land which Allah has destined for you, and do not turn back, for then you will turn losers.” [21]

They said, “O Mūsā, there is a nation of tyrants over there and we shall never go in there until they get out of it. If they do get out of it, we are ready to go in.” [22]

Said two men from among the God-fearing, on whom Allah had bestowed His favour, “Enter the gate (charging) upon them. And once you have entered it, you are the ones to overcome. And in Allah you must place your trust, if you are believers.” [23]

They said, “O Mūsā, we shall never enter it, in any case, so long as they are there. So go, you and your Lord, and fight. As for us, we are sitting right here.” [24]

He said, “O my Lord, I have no control except over myself and my brother. So, make a separation between us and the sinning people.” [25]

He (Allah) said, “This (land) is prohibited to them for

forty years. They shall be wandering around the earth.
So, do not grieve for the sinning people.” [26]

Commentary

Previous to the verses cited above, a pledge was mentioned in which the Bani Isrā'il were bound to obey Allah and His Messenger. Mentioned along with it was their customary breach of trust, and its punishment. Taken up in the verses appearing above there is a particular event which shows such a breach.

That event goes back to the time when Pharaoh and his army were drowned in the sea and Sayyidnā Mūsā عليه السلام and his people, the Bani Isrā'il, once delivered from the slavery of the Pharaoh, became the masters of Egypt. Then, to bless them with His added reward, and to let them repossess their ancestral land of Syria, Allah Ta'āla commanded them through Sayyidnā Mūsā عليه السلام that they should enter the Holy Land, that is, Syria, with the intention of *Jihād*. And along-with it, they were given the good news that victory will be all theirs in this *Jihād* - as Allah had made that holy land their destiny and they were bound to have it. But, the Bani Isrā'il had their peculiar traits of character. They saw the blessings of Allah with their own eyes, they saw the spectacle of the drowning of Pharaoh and the conquest of Egypt, yet they failed, once again, to stand by the solemn pledges they had given and elected to sit out the *Jihād* of Syria squarely against this Divine command. The punishment they received for it was in the form of a forty-year confinement to a limited area where, strangely enough, there were no walls or fences around them, nor were they in chains. Instead, they were free to move in an open area and actually travelled every day, right from the morning through the evening, with the intention of returning to Egypt, their homeland. But, when came the evening, they would find themselves exactly at the spot from where they had started in the morning. During this period, Sayyidnā Mūsā and Sayyidnā Hārūn عليهما السلام left this mortal world and these people kept wandering in the wilderness of *Tīh*. It was after that, that Allah Ta'āla sent other prophets for their guidance.

Thus, after the passage of full forty years, those who survived from among them resolved to take up the *Jihād* of Syria and Baytul-Maqdis under the leadership of the prophet of their time and the promise of

Allah that the Holy Land had been destined for them was thus fulfilled. This is a summary of the event referred to in the verses cited above. Let us now see its details in the words of the Qur'an.

When Sayyidna Musá عليه السلام received the instruction to call his people to *Jihād* in order to conquer Baytul-Maqdis and Syria, he acted very much in accordance with his prophetic wisdom so crucial in giving good counsel. Therefore, before announcing the Divine command to his people, he reminded them of the many blessings bestowed upon them upto that time. He said:

اَذْكُرُوْنَا نِعْمَةَ اللَّهِ عَلَيْكُمْ اِذْ جَعَلَ فِيْكُمْ آئِيَّةً وَجَعَلَكُمْ مُلُوْكًا وَآتَيْكُمْ مَالًّا
يُؤْتَىٰ أَحَدًا مِنْ الْعَلِيِّينَ

O my people, remember the blessings of Allah upon you when He made prophets from among you, made you kings and gave you what He did not give to anyone in the worlds.

Recounted here are three blessings. The first of these is a spiritual blessing, that is, many prophets were sent to them continuously, a spiritual honour which can hardly be matched. It has been reported in *Tafsîr Mazhâri* that no other community has had such a large number of prophets as compared to Bani Isrâ'il.

Hadîth authority, Ibn Abî Hâtim, reports on the basis of a narration from A'mash that in only one single period, the last period of the people of Bani Isrâ'il which extends from Sayyidna Musá عليه السلام to Sayyidna 'Isa عليه السلام, one thousand prophets were sent to Bani Isrâ'il. The second blessing mentioned in the verse quoted immediately above is a material blessing, that is, they were made masters and wielders of power. The hint given here is that the people of Bani Isrâ'il who were the oppressed slaves of the Pharaoh and his people for many ages saw how Allah Ta'âla destroyed their enemies and how they themselves were made masters and kings. Noteworthy here is the statement about prophets where it was said: جَعَلَ فِيْكُمْ آئِيَّةً (He made prophets from among you) which carries the sense that the whole people were not prophets, and this is the truth as prophets are only a few while the large body of people follows them. But, when it comes to the subject of temporal power on countries and states, said there was: وَجَعَلَكُمْ مُلُوْكًا (and made you kings) the outward sense of which is that they (all) were

made kings. The Arabic word, 'mulūk' used in the text is the plural of *malik* which means a king in common usage. Obviously, when a whole people cannot be all prophets, no people of a country can be all kings. What happens is that authority in a country rests in the hands of an individual or some individuals while the rest of the people are subordinate to them. But, here the words of the Qur'an are attributing kingship to all of them.

One reason for this is what has been stated by Maulānā Ashraf 'Alī Thānawī with reference to some righteous elders in his *Tafsīr Bayān al-Qur'an*, that is, the sovereignty of the 'king' of a country is customarily attributed to his entire people, for example, during the middle centuries of Islam, the government was called as that of Ummayyids and 'Abbāsids. Similarly, the rule of Ghaznavīs and Ghaurīs, then, that of Mughals, and after that, the rule of the British in India was attributed to all individuals of entire people of that country. Therefore, a whole people having a ruler are known (by proxy) to be rulers of that country.

It was according to this usage that the Qur'an has attributed kingship to the whole people of Bani Isrā'il. In this, there may be a hint that an Islamic state is really run by a government of the people. It is the people who have the right to elect their Amīr (Imam, leader or ruler) and it is once again, the right of the people who can, by their collective will, remove the holder of that office. Therefore, when seen outwardly, a ruler rules as one individual, but, in reality, that rule is that of the people.

The second reason as reported from some elders by Ibn Kathīr, Maẓhari and others is that the sense of '*malik*' is more general than that of a king. In common usage, this word is also applied to a person who is well-to-do, has a home, owns property and employs help. In the light of this sense, that was a time when every individual from the Bani Isrā'il was like a king of his castle. That explains the attribution of kingship to the entire Bani Isrā'il.

The third blessing mentioned in this verse is a combination of both, the spiritual and the material. It was said: *وَاتُسْكُنُ مَالَمْ يُؤْتَ أَحَدًا مِنَ الْعَلَمَيْنِ*: that is, they were given the kind of blessings which were not given to anyone else in all the worlds. Included under these blessings is spiritual

distinction highlighted by the station of prophethood and, along with it, the more obvious temporal power, authority, domain and wealth too. However, a question may arise here regarding the belief that the Muslim *Ummah*, the large body of believers in the Last among Prophets صلی اللہ علیہ وسلم, is the most distinct among all Communities as supported by the textual authority of the Holy Qur'ān, such as: كُنْتُمْ خَيْرًا مِّنْ أَهْلِ الْأَرْضِ (You are the best *Ummah* raised for mankind - 3:110) and: كَذَلِكَ نَعَلَمُ أَمَّةً وَسَطَّا (And in the same way, We made you a moderate *Ummah* - 2:143) prove it, as do the many narrations from the Prophet's living Traditions. The answer is that the people of the world being mentioned in this verse are the people who were living in the particular period of Bani Isrā'il which was marked by the presence of Sayyidna Mūsa عليه السلام among them. That was the time when no one in all the worlds was as blessed as were the Bani Isrā'il. That any other community in times to come could be blessed more than them should not be considered contrary to this.

The saying of Sayyidna Mūsa عليه السلام in the first verse (20) was his introductory remark to the Divine command which appears in the following verse (21) in the words: يَقُومُ ادْخُلُوا الْأَرْضَ الَّتِي كَتَبَ اللَّهُ لَكُمْ (O my people, enter the Holy Land which Allah has destined for you ...).

Which land is the Holy Land?

Apparently, commentators differ about it. Some say that it means Baytus-Maqdis (Jerusalem). Some identify the city of Quds and Eliah as fitting the description of the Holy Land. Still others point out to the city of Arikha which was located between the Jordan river and Baytul-Maqdis and was reported to be one of the oldest cities of the world. In fact, it is still there. Unusual statements portraying its grandeur and vastness have been reported historically. Some narrations say that the city was divided over one thousand wards or counties and every such section had some one thousand public gardens each. Then, there are other narrations which indicate that the Holy Land means Damascus and Palestine, or Jordan, according to some others. And Sayyidna Qatādah has said that the entire land of Syria is the Holy Land. Sayyidna Ka'b al-Aḥbār has said that he has seen in the Book of Allah (perhaps, the Torah) that the country of Syria is a special treasure of Allah on this entire earth and there are in it Allah's very special and

very dear servants. This land has been called 'holy' because it has been home to the blessed prophets of Allah. According to some narrations, on a day when Sayyidnā Ibrāhīm عليه السلام climbed a mountain in Lebanon, Allah Ta'ālā said: O Ibrāhīm, look from here and as far as you will see, that land We have made the Holy Land. All narrations cited here have been taken from Tafsīr Ibn Kathīr and Tafsīr Mažhari and the truth of the matter is that there is not much of a contradiction in these sayings. According to later narrations, the whole country of Syria is the Holy Land - it is just that some narrators have described a certain part of the country of Syria while some others have identified the whole of it.

Looking at verse 22 which begins with the words: ﴿كَلَّا يُمُوشِّل﴾ (They said, O Mūsā ...), it will be recalled that, in the verse previous to it (21), Allah Ta'ālā had commanded the Bani Isrā'il through Sayyidnā Mūsā that they should wage a *Jihād* against the Amalkites and conquer Syria - given along with it was the good news that the land of Syria has been destined for them, therefore, their victory is certain.

The present verse (22) tells us that, despite the Divine command and assurance, the Bani Isrā'il, because of their well-known contumacy and crookedness, just did not obey that command as well. Instead of doing that, they said: 'O Mūsā, there is a nation of tyrants over there, and we shall never go in there until they get out of it. If they do get out of it, then, we are ready to go in.'

The actual event as reported from the masters of Tafsīr (Exegesis), Sayyidnā 'Abdullāh ibn 'Abbās, 'Ikrimah, 'Alī ibn Abī Talhah and others is that it was a time when the Amalkites ruled Syria and Baytul-Maqdis. They were an offshoot of the people of 'Ād, unusually big in height and size and very ferocious in looks and behavior. They were the people Sayyidnā Mūsā عليه السلام and his community were asked to fight against and go on to conquer Baytul-Maqdis.

To carry out the Divine command, Sayyidnā Mūsā عليه السلام marched towards Syria in the company of his people, the Bani Isrā'il. Baytul-Maqdis was their first destination. After crossing the Jordan river, when they reached Arikā, the oldest city of the world, they made a stopover. We have already read about the appointment of twelve chiefs to administer the affairs of Bani Isrā'il in the previous verses of the

Holy Qur'an. The same chiefs were asked to go on an advance fact-finding mission into enemy territory. Their duty was to gather intelligence on local conditions, the battle front and about the people who control Baytul-Maqdis and against whom they have to wage the *Jihād*. When these chiefs reached Baytul-Maqdis, they were stopped by an Amalkite man right outside the gate of the city. He, all alone, put them under arrest and took them to his king reporting to him that these people had come to fight them. The king went into consultation with his courtiers. Their decision was that all of them should either be killed or punished in some other way. Finally, they agreed upon the proposal that they should be allowed to go free so that they could return to their people and become walking eye witnesses of the great power and grandeur of the Amalkites against which they would never dare to think of marching.

At this point in most books of *Tafsīr*, reported there are tall tales from Isra'ilite narrations which give the name of the person who accosted these chiefs as 'Awj ibn 'Unuq. His extra-ordinary height and size and his power and strength has been described there with such exaggeration that a sensible person would find it too thick even to just pass it onwards.

Tafsīr authority, Ibn Kathīr has said: Tales reported in such Isra'ilite narrations can neither be accepted by reason nor do they have any justification in the *Shari'ah*. In fact, all this is a bundle of lies and imputations. The truth of the matter is no more than that there are the people called the Amalkites. Since they are the remnants of the people of 'Ād whose awesome height and size has been mentioned by the Holy Qur'an itself, so, their huge size and unusual strength were proverbial. One of their men proved strong enough to arrest and take away twelve men from the people of Bani Isrā'il.

However, freed by the Amalkites, the twelve chiefs of Bani Isrā'il returned to their people at Arijā. They told Sayyidna Mūsa عليه السلام about these unusual people and how unbelievable was their power and grandeur. Whatever they said to him left his heart unmoved because Allah Ta'ālā had already given him the good news of victory over them through revelation.

So, despite having heard about the power of his enemy, he stood

like a rock making preparations for the *Jihād* initiative. But, he had realized the danger that, should the Bani Isrā'il come to hear about this unusual strength of their adversary, they would cringe and back out. Therefore, he instructed those twelve chiefs not to talk about the Amalkites before their people, in fact, he asked them to keep this as a guarded secret. But, what actually happened was that everyone from among them passed on the information to their respective friends privately. There were only two of them, Yūsha' ibn Nun and Kalib ibn Yu'qinā, who strictly followed the instructions of Sayyidnā Mūsa عليه السلام and did not disclose the secret to anyone.

When ten out of the twelve chiefs let the secret out, it was only natural that the secret became public knowledge. Hit by the news of conditions prevailing in the enemy country, they were all upset. Wailing and protesting, they said: It would have been much better if we too had been drowned in the Nile like the people of the Pharaoh! Now those who saved us there have brought us here to be killed at the hands of those tyrants! It was under these conditions that the Bani Isrā'il said the following words:

يَمْوُسَى إِنَّ فِيهَا قَوْمًا جَبَارِينَ وَإِنَّا لَنَا نَذْخَلُهَا حَتَّىٰ يَعْرُجُوا مِنْهَا

They said, "O Mūsa, there is a nation of tyrants over there and we shall never go in there until they get out of it. If they do get out of it, we are ready to go in."

It appears in the next verse (23) that two persons, God-fearing and blessed by Allah, hearing the remarks made by the Bani Isrā'il, gave them some good counsel by saying: Why are you so scared of death much before it has come? Just take a few steps. The gate of the city of Baytul-Maqdis is not far. Take heart and make your move. Only this much of your action, we believe, will become the cause of your victory. Once you enter the gate of Baytul-Maqdis, you will overcome your enemy who would run in defeat. These two persons mentioned in this verse are, according to most commentators, the same two of the twelve chiefs who had faithfully acted upon the advice given by Sayyidnā Mūsa عليه السلام and had abstained from telling the Bani Isrā'il everything about the Amalkites - that is, Yūsha' ibn Nun and Kalib ibn Yu'qinā.

At this place, the Holy Qur'an has particularly mentioned two attributes of these two elders: (1) **الَّذِينَ يَخَافُونَ**, that is, 'those who fear.' Not said here is as to who it is that they fear. The hint thus given is that there is only one Being in this whole world who deserves to be feared, that is, Allah *Jalla Sha'nuhū*, because He is the Absolute Master of this entire universe. No one can, without His will and permission, bring the least benefit to anyone, nor cause any harm - and when only one Being is deserving of being feared, and that is already determined, then, there remains no need to redetermine it.

The second attribute of these two elders pointed to by the Holy Qur'an is: (2): **أَنَّمَّا اللَّهُ عَنْبَتَ**, that is, 'Allah had blessed them.' The hint given here is that whoever has any excellence in him anywhere, that is nothing but the blessing and favour of Allah Ta'ālā - otherwise, these twelve chiefs were all blessed with similar outward gifts of hands, feet, eyes and ears with reason and sense on the inside, along with the fortunate company of Sayyidna Mūsa عليه السلام. They had all the strengths on their side, yet they all slipped except these two who stood firm on their commitment. This tells us that real guidance does not depend upon one's strength of inward and outward faculties or his effort or deed. Instead, it is a reward from Allah Ta'ālā. However, to become deserving of this reward, effort and deed are, no doubt, a condition.

The standard rule of conduct we learn from here is that a person whom Allah Ta'ālā has blessed with reason, intelligence and smartness should not wax proud over these personal strengths while conducting the business of his life. The best course for him is to seek good guidance in all matters of his life from Allah alone.

In short, these two elders advised their people that they should not feel nervous about the apparent power of the Amalkites. If they would place their trust in Allah, just walk upto the gate of Baytul-Maqdis, victory shall be theirs. As for the decisive statement of these elders that once they reach the city gate, they will overcome and the enemy will run away defeated, it could have been based on a close assessment of the Amalkites, that they were, no doubt, unusually huge in built and strength, but were also weak at heart as a result of which, once they hear about the surprise attack, they would be unable to stay there. And it is also possible that their total faith in the Divine decree

which they had heard from Sayyidnâ Mûsâ عليه السلام as a glad tiding was the basis on which they said so.

But the Bani Isrâ'il who had not listened to their own prophet Sayyidnâ Mûsâ عليه السلام would have hardly listened to these elders. They gave them the same response, even in a manner which was more uncouth and grotesque. They said: (فَإِذْهَبُوهُنَّكُمْ بِرِبِّكُمْ فَقَاتِلُوهُنَّأَنَّهُمْ قَعْدُونَ) So go, you and your Lord, and fight. As for us, we are sitting right here). Had this remark of the Bani Isrâ'il been by way of mockery, it would have been open blasphemy (*Kufr*). After that, the fact of Sayyidnâ Mûsâ عليه السلام living with them and praying for them in the wilderness of Tîh which finds mention in the next verse would have not been possible.

Therefore, the sense of this statement given by leading commentators is: 'You go and fight them. Your Lord will help you. As for us, we cannot help you.' Given this sense, their statement cannot be taken as blasphemy, though the response given by them remains grotesque and hurtful. This is why this statement of the Bani Isrâ'il became proverbial.

Let us recollect a related episode from the early period of Islam. This is the Battle of Badr. An army contingent of a thousand strong youngmen starts marching against Muslims, who are hungry and almost unarmed. Seeing this happen, the Holy Prophet صلى الله عليه وسلم started praying before his Lord. Then, a Şâhâbî, Sayyidnâ Miqdâd ibn al-Aswad رضي الله عنه stepped forward and said: 'Yâ Rasûl Allah , we swear by Allah we shall never say what was said to Sayyidnâ Mûsâ عليه السلام by his people, that is: (فَإِذْهَبُوهُنَّكُمْ بِرِبِّكُمْ فَقَاتِلُوهُنَّأَنَّهُمْ قَعْدُونَ) So go, you and your Lord, and fight. As for us, we are sitting right here). Instead of that, we shall defend you from your right and left and from the front and rear. Please feel free of any concern and go ahead with your battle plan.'

When he heard this, the Holy Prophet صلى الله عليه وسلم was very pleased, and his Companions too were fired with a renewed zeal for *Jihad*. Sayyidnâ 'Abdullâh ibn Mas'ûd رضي الله عنه always used to say: 'I really envy this feat of Miqdâd ibn al-Aswad. I wish I too had this good fortune.'

In gist, the people of Sayyidnâ Mûsâ عليه السلام, by giving him a flat